

CHAPTER 119.

[Engrossed House Bill No. 496.]

OPTIONAL MUNICIPAL CODE.

AN ACT relating to state and local government; enacting and adding a new title to the Revised Code of Washington to be known as Title 35A — Optional Municipal Code; providing for the establishment, organization, and government of code cities; and prescribing penalties; and providing an effective date.

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

TITLE 35A

OPTIONAL MUNICIPAL CODE

Chapter 35A.01

INTERPRETATION OF TERMS

Optional Municipal Code.

Interpretation of terms.

Section 35A.01.010 *Purpose and Policy of This Title—Interpretation.* The purpose and policy of this title is to confer upon two optional classes of cities created hereby the broadest powers of local self-government consistent with the Constitution of this state. Any specific enumeration of municipal powers contained in this title or in any other general law shall not be construed in any way to limit the general description of power contained in this title, and any such specifically enumerated powers shall be construed as in addition and supplementary to the powers conferred in general terms by this title. All grants of municipal power to municipalities electing to be governed under the provisions of this title, whether the grant is in specific terms or in general terms, shall be liberally construed in favor of the municipality.

Sec. 35A.01.020 *Noncharter Code City.* A non-charter code city is one, regardless of population, which has initially incorporated as a noncharter code city, subject to the provisions of this title, or is an incorporated municipality which has elected,

under the procedure prescribed in this title, to be classified as a noncharter code city and to be governed according to the provisions of this title under one of the optional forms of government provided for noncharter code cities.

Interpretation  
of terms.

Sec. 35A.01.030 *Charter Code City*. A charter code city is one having at least ten thousand inhabitants at the time of its organization or reorganization which has either initially incorporated as a charter code city and has adopted a charter under the procedure prescribed in this title; or which, as an incorporated municipality, has elected to be classified as a charter code city and to be governed according to the provisions of this title and of its adopted charter.

Sec. 35A.01.035 *Code City*. The term "code city" means any noncharter code city or charter code city.

Sec. 35A.01.040 *Sufficiency of Petition*. Whenever in this title petitions are required to be signed and filed, the following rules shall govern the sufficiency thereof:

(1) A petition may include any page or group of pages containing an identical text or prayer intended by the circulators, signers or sponsors to be presented and considered as one petition and containing the following essential elements when applicable, except that the elements referred to in subdivisions (d) and (e) hereof are essential for petitions referring or initiating legislative matters to the voters, but are directory as to other petitions:

(a) The text or prayer of the petition which shall be a concise statement of the action or relief sought by petitioners.

(b) If the petition initiates or refers an ordinance, a true copy thereof.

Optional  
Municipal  
Code.

(c) If the petition seeks the annexation, consolidation, incorporation, withdrawal, or reduction of an area for any purpose, an accurate legal description of the area proposed for such action.

Interpretation  
of terms.

(d) Numbered lines for signatures with space provided beside each signature for the date of signing and the address of the signer.

(e) The warning statement prescribed in subsection (2) of this section.

(2) Petitions shall be printed or typed on single sheets of white paper of good quality and each sheet of petition paper having a space thereon for signatures shall contain the text or prayer of the petition and the following warning:

#### WARNING

Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he is not a legal voter, or signs a petition when he is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

Each signature shall be executed in ink or indelible pencil and shall be followed by the date of signing and the address of the signer.

(3) The term "signer" means any person who signs his own name to the petition.

(4) To be sufficient a petition must contain valid signatures of qualified electors or property owners, as the case may be, in the number required by the applicable statute or ordinance. Within three working days after the filing of a petition, the officer or officers whose duty it is to determine the sufficiency of the petition shall proceed to make such a determination with reasonable promptness and shall file with the officer receiving the petition for filing a certificate stating the date upon which such deter-

mination was begun, which date shall be referred to as the terminal date. Additional pages of one or more signatures may be added to the petition by filing the same with the appropriate filing officer prior to such terminal date. Any signer of a filed petition may withdraw his or her signature by a written request for withdrawal filed with the receiving officer prior to such terminal date. Such written request shall so sufficiently describe the petition as to make identification of the person and the petition certain. The name of any person seeking to withdraw shall be signed exactly the same as contained on the petition and, after the filing of such request for withdrawal, prior to the terminal date, the signature of any person seeking such withdrawal shall be deemed withdrawn.

Interpretation  
of terms.

(5) Petitions containing the required number of signatures shall be accepted as prima facie valid until their invalidity has been proved.

(6) A variation on petitions between the signatures on the petition and that on the voter's permanent registration caused by the substitution of initials instead of the first or middle names, or both, shall not invalidate the signature on the petition if the surname and handwriting are the same.

(7) Signatures, including the original, of any person who has signed a petition two or more times shall be stricken.

(8) Signatures followed by a date of signing which is more than six months prior to the date of filing of the petition shall be stricken.

(9) When petitions are required to be signed by the owners of property, the following shall apply:

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

Optional  
Municipal  
Code.

(b) In the case of mortgaged property, the signature of the mortgagor shall be sufficient, without the signature of his or her spouse.

Interpretation  
of terms.

(c) 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, without the signature of his or her spouse.

(d) Any officer of a corporation owning land within the area involved who is duly authorized to execute deeds or encumbrances on behalf of the corporation, may sign on behalf of such corporation, and shall attach to the petition a certified excerpt from the bylaws of such corporation showing such authority.

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

Sec. 35A.01.050 *The General Law*. For the purposes of this optional municipal code, "the general law" means any provision of state law, not inconsistent with this title, enacted before or after the enactment of this title, which is by its terms applicable or available to all cities or towns. Except when expressly provided to the contrary, whenever in this optional municipal code reference is made to "the general law", or to specific provisions of the Revised Code of Washington, it shall mean "the general law, or such specific provisions of the Revised Code of Washington as now enacted or as the same may hereafter be amended".

Sec. 35A.01.060 *Optional Municipal Code—This Title*. References contained in this title to "Optional Municipal Code", "this title", "this code" or to any

specific chapter, section, or provision thereof shall refer to the whole or appropriate part of Title 35A RCW, as now or hereafter amended.

### Chapter 35A.02

## PROCEDURE FOR INCORPORATED MUNICIPALITY

### TO BECOME A NONCHARTER CODE CITY— SELECTION OF PLAN OF GOVERNMENT

Incorporated  
municipality  
organization  
as non-charter  
code city—  
Selection of  
government  
plan.

Sec. 35A.02.010 *Adoption of Noncharter Code City Classification Authorized.* Any incorporated city or town may become a noncharter code city in accordance with, and be governed by, the provisions of this title relating to noncharter code cities and may select one of the plans of government authorized by this title.

Sec. 35A.02.020 *Petition Method—Direct.* When a petition is filed, signed by qualified electors of an incorporated city or town, in number equal to not less than fifty percent of the votes cast at the last general municipal election, seeking the adoption by the city or town of the classification of noncharter code city, either under its existing authorized plan of government or naming one of the plans of government authorized for noncharter code cities, the legislative body of the city or town to which the petition is presented shall direct the city or town clerk to determine the sufficiency of the petition under the rules set forth in section 35A.01.040. If the petition is found to be sufficient, the clerk shall file with the legislative body a certificate of sufficiency of the petition. Thereupon the legislative body of such city or town shall, by resolution, declare that the inhabitants of the city or town have decided to adopt the classification of noncharter code city and to be governed under the provisions of this title. If a prayer for reorganization is included in the petition

Optional  
Municipal  
Code.

Incorporated  
municipality  
organization  
as non-charter  
code city—  
Selection of  
government  
plan.

such resolution shall also declare that the inhabitants of the city or town have decided to reorganize under the plan of government specified in the petition. The legislative body shall cause such resolution to be published at least once in a newspaper of general circulation within the city or town not later than ten days after the passage of the resolution. Upon the expiration of the ninetieth day from, but excluding the date of, first publication of the resolution, if no timely and sufficient referendum petition has been filed, as determined by section 35A.29.170, the legislative body shall effect the decision of the inhabitants, as expressed in the petition, by passage of an ordinance adopting for the city the classification of noncharter code city, and if the petition sought adoption of one of the plans of government authorized for noncharter code cities, the legislative body shall provide for such reorganization by ordinance.

Sec. 35A.02.025 *Referendum*. Upon the filing of a referendum petition in the manner provided in section 35A.29.170 signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general municipal election, such resolution as authorized by section 35A.02.020 shall be referred to the voters for confirmation or rejection in the next general municipal election if one is to be held within one hundred and eighty days from the date of filing of the referendum petition, or at a special election to be called for that purpose not less than ninety days nor more than one hundred and eighty days from the date of filing such referendum petition.

Sec. 35A.02.030 *Resolution Method*. When a majority of the legislative body of an incorporated city or town determines that it would serve the best interests and general welfare of such municipality

to change the classification of such city or town to that of noncharter code city, such legislative body may, by resolution, declare its intention to adopt for the city or town the classification of noncharter code city. If the legislative body so determines, such resolution may also contain a declaration of intention to reorganize the municipal government under one of the plans of government authorized in this title, naming such plan; but it shall also be lawful for the legislative body of any incorporated city or town which is governed under a plan of government authorized prior to the time this title takes effect to adopt for the city or town the classification of noncharter code city while retaining the plan of government under which such city or town is then operating. Within ten days after the passage of the resolution, the legislative body shall cause it to be published at least once in a newspaper of general circulation within the city or town. Upon the expiration of the ninetieth day from, but excluding the date of first publication of the resolution, if no timely and sufficient referendum petition has been filed, as determined by section 35A.29.170, the intent expressed in such resolution shall be effected by an ordinance adopting for the city or town the classification of noncharter code city; and, if the resolution includes a declaration of intention to reorganize, the legislative body shall provide for such reorganization by ordinance.

Incorporated  
municipality  
organization  
as non-charter  
code city—  
Selection of  
government  
plan.

Sec. 35A.02.035 *Referendum*. Upon the filing of a referendum petition in the manner provided in section 35A.29.170 signed by qualified electors of an incorporated city or town in number equal to not less than ten percent of the votes cast in the last general municipal election, such resolution shall be referred for approval or rejection by the voters at an election as specified in section 35A.02.025.



Optional  
Municipal  
Code.

Sec. 35A.02.040 *Certification of Resolution— Transcript of Record to Secretary of State.* When one or more ordinances are passed under section 35A.02.020 or section 35A.02.030, the clerk of the city or town shall forward to the secretary of state a certified copy of any such ordinance. Upon the filing in the office of the secretary of state of a certified copy of an ordinance adopting the classification of noncharter code city, such city or town shall thereafter be classified as a noncharter code city; except that if there is also filed with the secretary of state a certified copy of an ordinance providing for reorganization of the municipal government of such city or town, such reclassification and reorganization shall not be effective until the election of the new officers under the plan of government so adopted.

Incorporated  
municipality  
organization  
as non-charter  
code city—  
Selection of  
government  
plan.

Sec. 35A.02.050 *Election of New Officers.* The first election of officers under a plan of government adopted in the manner provided in sections 35A.02.020 or 35A.02.030 shall be at the next general municipal election if one is to be held within one hundred and eighty days after certification of a reorganization ordinance or at a special election to be held for that purpose not less than ninety days nor more than one hundred and eighty days from the certification of such ordinance. The terms of the persons holding office at the time of such proceedings shall continue until the new officers are elected and qualified; and the ordinances, bylaws and resolutions adopted under the former plan of government, where not in conflict with state law, shall continue in force until repealed or amended by the legislative body of the reorganized noncharter code city. The former officers shall, upon the election and qualification of new officers, deliver to the proper officers of the reorganized noncharter code city all books of record, documents and papers in their pos-

session belonging to such municipal corporation before the reorganization thereof.

Sec. 35A.02.060 *Petition for Election.* When a petition which is sufficient under the rules set forth in section 35A.01.040 is filed with the legislative body of an incorporated city or town, signed by qualified electors of such municipality in number equal to not less than ten percent of the votes cast at the last general municipal election, seeking adoption by the city or town of the classification of non-charter code city and the reorganization of the city or town under one of the plans of government authorized in this title, the clerk of the city or town shall file with the legislative body thereof a certificate of sufficiency of such petition. Thereupon, the legislative body shall cause such proposal to be submitted to the voters at the next general municipal election if one is to be held within one hundred eighty days after certification of the sufficiency of the petition, or at a special election to be held for that purpose not less than ninety days nor more than one hundred and eighty days from such certification of sufficiency. Ballot titles for elections under this chapter shall be prepared by the city attorney as provided in section 35A.29.120.

Incorporated  
municipality  
organization  
as non-charter  
code city—  
Selection of  
government  
plan.

Sec. 35A.02.070 *Resolution for Election.* The legislative body of an incorporated city or town may, by resolution, submit to the voters in the next general municipal election if one is to be held within one hundred and eighty days after passage of the resolution, or in a special election to be called for that purpose not less than ninety days nor more than one hundred and eighty days after passage of the resolution, a proposal that the city or town adopt the classification of noncharter code city and organize under one of the plans of government authorized in this title, naming such plan.

Optional  
Municipal  
Code.

Incorporated  
municipality  
organization  
as non-charter  
code city—  
Selection of  
government  
plan.

Sec. 35A.02.080 *Election of Officers upon Approval of Plan of Government by Voters.* When a proposal to reorganize a city or town as a noncharter code city under a plan of government provided in this title is placed on the ballot for such election by any of the procedures or methods provided in this chapter, candidates for the offices which would be created if the proposed plan of government were approved by the voters may file a declaration of candidacy with the city clerk as provided in section 35A.29.110, and their names shall be placed upon the ballot alphabetically in groups under the designation of the respective titles of offices for which they are candidates. If a majority of those voting on the measures approve adoption by the municipality of the classification of noncharter code city and the reorganization of the municipality, the persons elected to offices under the plan of government approved by the voters shall, upon their qualification as provided by law, become the new officers of the noncharter code city. The former officers of the municipality shall, upon the election and qualification of the new officers, deliver to the proper officers of the new noncharter code city all books of record, documents and papers in their possession belonging to such municipal corporation before reorganization.

Sec. 35A.02.090 *Alternative Plan of Government—Candidates.* Proposals for each of the plans of government authorized by this title may be placed on the ballots in the same election by timely petition as provided in this chapter, and candidates for offices under one of the plans of government shall not be disqualified from filing as candidates for offices under the other plan. When the ballot contains alternative proposals for each of the plans of government and slates of candidates for each of the plans, the ballot shall clearly state that voters may vote for only one of the plans of government but

may cast their votes for officers under each of the plans of government to indicate their choice of officers in the event such plan receives a majority of the votes cast. The officers elected by the voters to fill the offices under the plan of government receiving a majority of the votes cast on the measure shall, upon their qualification, become the new officers of the noncharter code city.

Incorporated  
municipality  
organization  
as non-charter  
code city—  
Selection of  
government  
plan.

Sec. 35A.02.100 *Notice of Election.* Notice of elections under this chapter shall be given by publication at least once each week for two weeks prior to the date of election in one or more newspapers of general circulation within the city or town of a notice containing a statement of the plan or plans of government to be voted upon, the proposal to adopt the classification of noncharter code city, the title of each office, the names and addresses of all candidates for such office, in alphabetical order and without party designation, the day and hours during which the polls will be open and the addresses of each polling place in each precinct. Such notice shall be in lieu of the notice provided by section 35A.29.140.

Sec. 35A.02.110 *Canvass of Returns—Certificates of Election—Transcript of Record to Secretary of State.* The election officials, after counting the ballots, shall make their returns to the county auditor upon forms furnished by him within six hours after the closing of the polls; and on the Monday next succeeding the election or as soon as the county auditor has received the returns from all the precincts included therein, the county canvassing board shall canvass the returns in such election and shall forthwith certify in duplicate to the city or town clerk the whole number of votes given at the election, the number of votes in favor of reclassification and the number against it, the number of votes

Optional  
Municipal  
Code.

Incorporated  
municipality  
organization  
as non-charter  
code city—  
Selection of  
government  
plan.

in favor of each plan of government voted upon and the number against it and the number of votes received by each candidate. The clerk shall lay the certificate of election before the legislative body of the city or town at its next regular meeting after the receipt of such certificate by the clerk, and if it appears that the votes cast for adoption of the classification of noncharter code city and in favor of a plan of government named on the ballot were a majority of the votes cast in such election, the council shall thereupon, by resolution, declare that the inhabitants of the city or town have decided on such reclassification and reorganization under the plan of government approved and direct the clerk to forward to the secretary of state a certified copy of the resolution.

Sec. 35A.02.120 *Effective Date of Reclassification and Reorganization.* Upon the filing of the certified copy of the resolution with the secretary of state, the county auditor shall issue certificates of election to the successful candidates for the offices under the plan of government for which a majority of the votes were cast, and upon the issuance of such certificates, such city or town shall become a noncharter code city governed under the plan of government chosen by the voters, under the provisions of this title and with the powers conferred by this title.

Sec. 35A.02.130 *Adoption of Classification of Noncharter Code City without Change of Governmental Plan.* Any incorporated city or town governed under a plan of government authorized prior to the time this title takes effect may become a noncharter code city without changing such plan of government by the use of the petition-for-election or resolution-for-election procedures provided in sections 35A.02.060 and 35A.02.070 to submit to the

voters a proposal that such municipality adopt the classification of noncharter code city while retaining its existing plan of government, and upon a favorable vote on the proposal, such municipality shall be classified as a noncharter code city, such reclassification to be effective upon the filing of the record of such election with the office of the secretary of state. Insofar as the provisions of sections 35A.02.100 and 35A.02.110 are applicable to an election on such a reclassification proposal they shall apply to such election.

Incorporated  
municipality  
organization  
as non-charter  
code city—  
Selection of  
government  
plan.

Sec. 35A.02.140 *Petition or Resolution Pending—Restriction—Exception.* While proceedings are pending under any petition or resolution relating to reclassification of a municipality or reorganization of the government thereof pursuant to this chapter, no resolution shall be passed for the purpose of initiating other such proceedings or submitting other such proposals to the voters at an election thereunder; and no petition for reclassification or reorganization of such municipality shall be accepted for filing pending such proceedings, except that a timely and sufficient petition seeking to place on the ballot for such election a proposal for an alternative plan of government authorized by this title, as provided in section 35A.02.090, may be filed and acted upon.

#### Chapter 35A.03

### INCORPORATION AS NONCHARTER CODE CITY

Sec. 35A.03.010 *Incorporation As Noncharter Code City Authorized—Number of Inhabitants Required—Proviso.* Any area of a county containing not less than three hundred inhabitants, lying outside the limits of an incorporated city or town, may become incorporated as a noncharter code city under the provisions of this title: *Provided*, That no area which lies within five miles of any city having a

Optional  
Municipal  
Code.

population of fifteen thousand or more shall be incorporated under the provision of this title unless the limits of the proposed noncharter code city contain five thousand or more inhabitants.

Incorporation  
as non-charter  
code city.

Sec. 35A.03.020 *Petition for Incorporation—Signatures.* A petition for incorporation must be signed by qualified voters resident within the limits of the proposed noncharter code city equal in number to ten percent of the votes cast in the proposed area at the last general state election and must be presented to the auditor of the county.

Sec. 35A.03.030 *Petition for Incorporation—Contents.* The petition for incorporation shall contain the plan of government under which the non-charter code city is to operate in the event it is incorporated, which plan shall be one of the plans of government authorized by this title; shall set forth and particularly describe the proposed boundaries of the proposed corporation; state the name of the proposed corporation and the number of inhabitants therein, as nearly as may be, and pray that it may be incorporated.

Sec. 35A.03.035 *Petition—Auditor’s Duties.* The county auditor within thirty days from the time of receiving said petition shall determine whether the legal description of the area proposed to be incorporated is correct, whether the petition violates the prohibitions contained in section 35A.03.010 with regard to number of inhabitants, and whether there is a sufficient number of valid signatures. The county auditor shall within five days after making such determination transmit the petition, accompanied by a certificate of his determination as to sufficiency, to the board of county commissioners.

Sec. 35A.03.040 *Publication of Petition and Notice.* Upon receipt of a petition for incorporation

together with a certificate of sufficiency by the county auditor, the board of county commissioners shall set a date for the hearing thereon and shall give notice of the hearing upon said petition for incorporation by one publication not more than ten nor less than three days prior to the date set for the hearing, in one or more newspapers of general circulation within the area proposed to be incorporated. The notice shall contain the time and place of hearing.

Incorporation  
as non-charter  
code city.

Sec. 35A.03.050 *Presentation of Petition.* If the petition for incorporation sets forth an estimate of inhabitants of fifteen hundred or more, the chairman of the board of county commissioners, if the board is not in regular session at the time, shall call a special meeting of the board within ten days after receipt of the petition by the board; otherwise the petition may be presented at the next regular meeting of the board if one is to be held within thirty days or at a special meeting of the board to be called within thirty days after receipt of the petition by the board.

Sec. 35A.03.060 *Hearing on Petition.* Upon the day set for hearing the petition for incorporation the board of county commissioners shall begin to hear it and shall consider: (1) what the initial population of the proposed noncharter code city would be under the boundaries set by the petition; (2) whether there is such a diversity of interests and needs among the inhabitants of the proposed area that the proposed noncharter code city would be unable to provide services for the entire area proposed; and (3) whether the objectors, if any, have a strong and justifiable reason for being excluded from the area proposed to be incorporated.

The hearing may be adjourned from time to time, not exceeding two months in all from the date



Optional  
Municipal  
Code.

of commencement of the hearing. The board shall set a date for an election on the question of incorporation to be held not more than sixty days after the conclusion of the final hearing.

Incorporation  
as non-charter  
code city.

Sec. 35A.03.070 *Findings by Board of County Commissioners—Factors Considered—Establishment of Boundaries—Limitation.* Within five days after the final hearing on a petition for incorporation the board shall establish and define the boundaries of the proposed noncharter code city, being authorized to decrease, but not increase, the area proposed in the petition when it appears to the board that a change in the boundaries set by the petition would be in the best interests of all the inhabitants of the proposed area, based on the considerations set forth in section 35A.03.060. Any such decrease shall not exceed twenty percent of the area proposed. The board must also determine the number of inhabitants within the boundaries so established: *Provided,* That the area shall not be so decreased that the number of inhabitants therein shall be less than required by section 35A.03.010 as now or hereafter amended.

Sec. 35A.03.075 *Population Determination.* The determination of population made by the board of county commissioners shall be the official population of the code city, if incorporated, until an actual enumeration is thereafter made.

Sec. 35A.03.080 *Election on Question and of Officers Required.* Upon the date set by the board of county commissioners as provided in section 35A.03.060, an election shall be conducted within the area to determine whether it shall be incorporated as a noncharter code city, and to elect officers under the plan of government proposed in the petition.

Sec. 35A.03.085 *Candidates for Elective Positions—Filing—Withdrawal—Ballot Position.* Candi-

dates for the elective positions under the plan proposed shall file a declaration of candidacy with the county auditor as provided in section 35A.29.110. Any candidate may withdraw his declaration of candidacy as provided in section 35A.29.110. There shall be no fee charged for filing a declaration of candidacy for this incorporation election. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of offices for which they are candidates.

Incorporation  
as non-charter  
code city.

Sec. 35A.03.090 *Election—Conduct—Voters' Qualifications.* The election shall be conducted in accordance with the provisions of chapter 35A.29. No person shall be entitled to vote thereat unless he is a qualified elector of the county and has resided within the limits of the proposed noncharter code city for at least thirty days next preceding the date of election.

Sec. 35A.03.100 *Notice of Election—Contents.* The notice of election shall be given by the county auditor as provided in section 35A.29.140, and shall also describe the boundaries of the proposed non-charter code city, state the proposed name of the city, the plan of government proposed, and the number of inhabitants ascertained by the board of county commissioners to reside therein.

Sec. 35A.03.110 *Ballots.* The ballots shall contain the words "For Incorporation as a Noncharter Code City" and "Against Incorporation as a Noncharter Code City"; and the names of the persons to be voted for to fill the elective offices under the plan proposed. Ballot titles shall be prepared by the county prosecuting attorney as provided in section 35A.29.120.

Sec. 35A.03.120 *Certification of Election Results—Order of Board Declaring Incorporation.* The

Optional  
Municipal  
Code.

Incorporation  
as non-charter  
code city.

county canvassing board shall certify the results of the election to the board of county commissioners. If the results reveal that a majority of the votes cast are for incorporation, the board by an order entered upon its minutes shall declare the noncharter code city duly incorporated, with the plan of government approved, naming it by the name proposed in the petition. The board shall cause a certified copy of the order to be filed in the office of the secretary of state.

Sec. 35A.03.130 *Effective Date of Incorporation—Terms of Elected Officers—First Municipal Election.* The incorporation of the noncharter code city shall be complete upon the filing in the office of the secretary of state of the order of the board of county commissioners declaring it so incorporated. On or before the twentieth day following an election the county auditor shall issue certificates of election to the successful candidates for the offices under the plan of government approved and said newly-elected officers shall assume office on the first Monday following the issuance of the certificate of election and shall continue in office until their successors are elected and qualified at the next general municipal election: *Provided*, That if the date of the next general municipal election is less than seventy-five days after the incorporation election, the officers elected at the incorporation election shall hold office until their successors are elected and qualified at the second general municipal election following such incorporation election.

Sec. 35A.03.140 *Pending Final Disposition of Petition No Other Incorporation or Annexation To Be Acted Upon—Withdrawal or Substitution.* After the filing of any petition for incorporation with the county auditor, and pending final disposition as provided for in this chapter, no other petition for incor-

poration or annexation which embraces any of the territory included therein shall be acted upon by the county auditor or the board of county commissioners, or by any city or town clerk, city or town council, or by any other public official or body that might otherwise be empowered to receive or act upon such a petition: *Provided*, That any petition for incorporation may be withdrawn or a new petition embracing other or different boundaries or another plan of government may be substituted therefor, by a majority of the signers thereof, at any time before such petition has been certified by the county auditor to the board of county commissioners, in which case the same proceedings shall be taken as in the case of an original petition.

Incorporation  
as non-charter  
code city.

Sec. 35A.03.150 *Disposition of Uncollected Road District Taxes*. Whenever any territory which is part of a road district of the county becomes part of an incorporated noncharter code city, and any road district taxes have been levied on any property within such territory, the county treasurer, upon collection of such taxes, shall pay to the code city treasurer a pro rata share of such taxes in the proportion which the remaining period of the assessment year after the effective date of the incorporation bears to the total assessment year. Such moneys shall be placed by the city treasurer in the city street fund: *Provided*, That this section shall not apply to any special assessments due in behalf of such property.

Sec. 35A.03.160 *Fire Protection District and Library Districts—Continuation of Services at Option of City*. At the option of the council of a newly-incorporated noncharter code city any fire protection district or library district serving any part of the area so incorporated shall continue to provide services to such area for the period during which such

Optional  
Municipal  
Code.

area is included within such special service district for taxing purposes under the provisions of RCW 84.09.030, without compensation from the noncharter code city.

Incorporation  
as non-charter  
code city.

Sec. 35A.03.170 *Franchises within Territory Incorporated.* In regard to franchises previously granted for operation of any public service business or facility within the territory included within the city limits of the newly-incorporated code city, the rights, obligations, and duties of the legislative body of the code city and of the franchise holder shall be as provided in RCW 35.02.160, and such a franchise shall be canceled and a new franchise issued as therein provided.

#### Chapter 35A.04

Incorporation  
of intercounty  
area as non-  
charter code  
city.

#### INCORPORATION OF INTERCOUNTY AREA AS A NONCHARTER CODE CITY

Sec. 35A.04.010 *Definitions.* As used in this chapter, unless the context indicates otherwise, "principal county auditor", "principal board of county commissioners", "principal county canvassing board", "principal county prosecuting attorney", and "principal county officer" mean respectively those officials in the county of that part of the proposed corporation in which the largest number of inhabitants reside as of the date of the incorporation thereof.

Sec. 35A.04.020 *Incorporation as Noncharter Code City Authorized—Number of Inhabitants Required—Exception.* Any area lying in two or more counties which is not incorporated as a municipal corporation, may become incorporated as a noncharter code city under the provisions of this chapter: *Provided,* That when any part of the area to be incorporated lies within five miles of any city having a population of fifteen thousand or more no petition under RCW 35.04.030 shall be valid unless the

limits of the proposed city contain five thousand or more inhabitants.

Incorporation of intercounty area as non-charter code city.

Sec. 35A.04.030 *Petition for Incorporation.* A petition shall first be presented to the principal county auditor signed by qualified voters resident within each area of each county of the proposed noncharter code city equal in number to ten percent of the votes cast in the proposed area at the last general state election. The petition shall name one of the plans of government authorized by this title as the form of government under which the proposed corporation is to operate in the event it is incorporated, the proposed boundaries of the proposed corporation, the number of inhabitants, as nearly as may be, within each area of each county within the proposed corporation, the name of the proposed corporation, and shall pray that the area may be incorporated as a noncharter code city.

Sec. 35A.04.040 *Duties of County Auditors—Certificates of Sufficiency.* The principal county auditor, within thirty days after the date of receiving the petition, shall determine whether the legal description of the area to be incorporated in his county is correct, whether the petition violates the prohibition contained in section 35A.04.020 with regard to number of inhabitants, and whether there is a sufficient number of valid signatures in his county. Upon such determination, if the petition does not on its face violate the prohibition of section 35A.04.020, the principal county auditor shall transmit the petition to the other county auditor, or if more than one is involved, successively to each, and such other auditors shall determine whether the legal description is correct and whether there is a sufficient number of valid signatures from the area within their respective counties. No one county auditor shall be allowed more than thirty days within which to check

Optional  
Municipal  
Code.

Incorporation  
of intercounty  
area as non-  
charter code  
city.

the petition. Each auditor shall attach a certificate of his determination as to sufficiency and return the petition to the principal county auditor who, in turn, shall, not later than five days after receiving it from the other county auditors, attach thereto a certificate of his determination as to sufficiency for his own county and transmit the petition and certificates to the principal board of county commissioners.

Sec. 35A.04.050 *Publication of Petition and Notice.* Within ten days of receipt of a petition for incorporation which has been certified as sufficient by the auditors of the respective counties within the proposed area, the principal board of county commissioners shall meet and fix a date for a hearing on the petition, which shall be not more than thirty-five days after receipt of the petition by the board, and shall give notice of the hearing upon the petition and the time and place thereof by at least one publication not more than ten nor less than three days prior to the date set for the hearing in one or more newspapers of general circulation within the respective counties in which the proposed corporation is located. Before selecting the date for the hearing, the principal board of county commissioners shall first obtain approval of such date from each board of county commissioners of the other counties involved.

Sec. 35A.04.060 *Hearing—Factors Considered.* The hearing provided for in section 35A.04.050 shall be held jointly by all the respective boards of county commissioners under the direction of the principal board of county commissioners. The hearing may be adjourned from time to time not to exceed two months in all from the date of commencement of the hearing. The respective boards shall jointly consider: (1) What the initial popula-

tion of the proposed noncharter code city would be under the boundaries set by the petition; (2) whether there is such a diversity of interests and needs among the inhabitants of the proposed area that the proposed noncharter code city would be unable to provide services for the entire area proposed; and (3) whether those persons, if any, objecting to being included within the proposed corporation have a strong and justifiable reason for being excluded from the area proposed to be incorporated.

Incorporation  
of intercounty  
area as non-  
charter code  
city.

Sec. 35A.04.070 *Establishment of Boundaries—Limitation—Order.* If upon final hearing the respective boards find that any land within their respective counties has been unjustly or improperly included within or excluded from the proposed corporation, based on the considerations stated in section 35A.04.060, the respective boards may change and fix the boundary lines of the portion of the proposed corporation within their respective counties in such a manner as they deem reasonable and just and conducive to the public welfare and convenience: *Provided,* That when any part of the area to be incorporated lies within five miles of any city having a population of fifteen thousand or more, the area shall not be so decreased that the number of inhabitants therein shall be less than five thousand. No land shall be so included within the boundaries described in the petition unless each board of county commissioners of that county in which the area sought to be included is located first obtains the written assent of a number of qualified voters resident within each area to be included in the proposed corporation equal in number to not less than twenty percent of the votes cast in that area at the last state election. Within five days after the final hearing each board of county commissioners shall, for the area within its respective county, by order establish and define the boundaries of the proposed corpora-



Optional  
Municipal  
Code.

Incorporation  
of intercounty  
area as non-  
charter code  
city.

tion, determine the number of inhabitants residing therein and affirm the name of the proposed corporation: *Provided*, That for the action required after the final hearing, the boards may act jointly but in such case a majority of each board must vote favorably on such final action and the order shall be entered in the minutes of each board.

Sec. 35A.04.080 *Determining Population*. In determining the number of inhabitants within the boundaries established for the proposed noncharter code city, the population shall be determined as follows:

An actual enumeration shall be made by, or under the direction of, the board of county commissioners of each county in which a portion of the proposed corporation is located, in accordance with practices and policies, and subject to the approval, of the state census board; and the population so determined shall constitute the official population of the proposed corporation.

Sec. 35A.04.090 *Election for Incorporation and Election of Officers*. Within sixty days after the passage of the order required by section 35A.04.070, the principal county auditor shall cause an election to be held within the boundaries so established for the purpose of determining whether the area described shall be incorporated as a noncharter code city and to fill the elective offices under the plan of government proposed in the petition. The election shall be conducted by the principal county auditor in accordance with the provisions of chapter 35A.29. The principal county officers and principal county canvassing board shall exercise all powers and perform all duties in connection therewith with the assistance of the officers and canvassing board of the other county or counties. If the election is successful, all costs incurred shall be borne by the corpora-

tion, but if unsuccessful, all costs incurred shall be borne proportionately by each county in that ratio which the number of inhabitants residing in that part of each county forming a part of the proposed corporation bears to the total number of inhabitants residing within the boundaries of the whole of the proposed corporation.

Incorporation of intercounty area as non-charter code city.

Sec. 35A.04.100 *Candidates—Filing—Withdrawal—Ballot Position—Qualification of Voters.* Candidates for elective positions under the plan of government proposed shall file a declaration of candidacy with the principal county auditor in the manner provided in section 35A.29.110. Any candidate may withdraw his declaration as provided in section 35A.29.110. There shall be no fee charged for filing a declaration of candidacy for this incorporation election. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of offices for which they are candidates. No person shall be entitled to vote at such election unless he is a qualified elector of his respective county within the proposed corporation and has resided within the limits of such proposed corporation for at least thirty days next preceding such election.

Sec. 35A.04.110 *Notice of Election—Contents.* The notice of election shall be given by the principal county auditor as provided in section 35A.29.140, and shall also describe the boundaries of the proposed noncharter code city, state the proposed name of the city, the plan of government proposed, and the number of inhabitants, ascertained by the boards of county commissioners to reside therein.

Sec. 35A.04.120 *Ballots.* The ballots shall contain the words "For Incorporation as a Noncharter Code City" and "Against Incorporation as a Noncharter Code City"; and the names of the persons to be

Optional  
Municipal  
Code.

voted for to fill the elective offices under the plan proposed. Ballot titles shall be prepared by the principal county prosecuting attorney as provided in section 35A.29.120.

Incorporation  
of intercounty  
area as non-  
charter code  
city.

Sec. 35A.04.130 *Certification of Election Results—Order Declaring Incorporation.* The principal county canvassing board shall certify the results of the election to the respective boards of county commissioners. If the results reveal that a majority of the votes cast in each county area are for incorporation, the respective boards of county commissioners acting jointly shall, by order, declare such territory to be incorporated as a noncharter code city, with the plan of government approved, naming it by the name proposed in the petition. Such order shall be entered in the minutes of each board and the principal county auditor shall cause a certified copy of the order to be filed in the office of the secretary of state.

Sec. 35A.04.140 *Effective Date of Incorporation—Terms of Elected Officers—First Municipal Election.* The incorporation of the noncharter code city shall be complete upon the filing in the office of the secretary of state of the order of the boards of county commissioners declaring it so incorporated. On or before the twentieth day following an election the principal county auditor shall issue certificates of election to the successful candidates for the offices under the plan of government approved and said newly elected officers shall assume office on the first Monday following the issuance of the certificate of election and shall continue in office until their successors are elected and qualified at the next general municipal election: *Provided*, That if the date of the next general municipal election is less than seventy-five days after the incorporation election, the officers elected at the incorporation election

shall hold office until their successors are elected and qualified at the second general municipal election following such incorporation election.

Incorporation of intercounty area as non-charter code city.

Sec. 35A.04.150 *Municipal Election Procedure.* After such a noncharter code city has been incorporated, the elections shall be conducted as provided in chapter 35A.29. Each county auditor in each county in which a part of such noncharter code city is located shall be responsible for closing registration files prior to an election, as provided by law, and performing any duties required by law which relate to registration records, or to election equipment, within his custody or control.

Sec. 35A.04.160 *Powers and Duties of County Officers After Incorporation—Costs.* After incorporation all purposes essential to the maintenance, operation, and administration of the corporation whenever any action is required or may be performed by any county officer or board, such action shall be performed by the respective officer or board of the county of that part of the noncharter code city in which the largest number of inhabitants reside as of the date of the incorporation thereof, except as provided in section 35A.04.150 and section 35A.04.170; and all costs incurred shall be borne proportionately by each county in that ratio which the number of inhabitants residing in that part of each county forming a part of the noncharter code city bears to the total number of inhabitants residing within the whole of the noncharter code city. For the purposes of this section the number of inhabitants residing in a portion of a county involved in this incorporation proceeding shall be determined by the figures released at the most recent state or federal census or by a determination of the state census board.

Sec. 35A.04.170 *Finances—Costs.* In the case of evaluation, assessment, collection, apportionment,

Optional  
Municipal  
Code.

Incorporation  
of intercounty  
area as non-  
charter code  
city.

and any other allied power or duty relating to taxes in connection with such noncharter code city the action shall be performed by the officer or board of the county for that area of the noncharter code city which is located within his respective county, and all materials, information, and other data and all moneys collected shall be submitted to the proper officer of the county of that part of the noncharter code city in which the largest number of inhabitants reside. Any power which may be, or duty which shall be, performed in connection therewith shall be performed by the officer or board receiving such as though a noncharter code city in only one county were concerned. All moneys collected from such area constituting a part of such noncharter code city that should be paid to such noncharter code city shall be delivered to the corporate treasurer thereof, and all other materials, information, or data relating to the noncharter code city shall be submitted to the appropriate corporate officials.

Any costs or expenses incurred under this section shall be borne proportionately by each county involved.

Sec. 35A.04.180 *Consolidation and Annexation.* Any noncharter code city incorporated as provided in this chapter may consolidate or annex other incorporated or unincorporated territory outside the existing boundaries of such noncharter code city but contiguous thereto, whether or not the territory lies in one or more counties, by following the procedure provided in this title for such cases when only a single county is involved.

Sec. 35A.04.190 *Franchises within Territory Incorporated.* The provisions of section 35A.03.170 shall apply with regard to franchises within territory included in an intercounty incorporation under this chapter.

## Chapter 35A.05

CONSOLIDATION OF TWO OR MORE  
CONTIGUOUS MUNICIPAL  
CORPORATIONS AS A NONCHARTER CODE  
CITY

Consolidation  
as non-charter  
code city.

Sec. 35A.05.010 *Consolidation Authorized—Contiguous Defined.* Two or more contiguous municipal corporations located in the same or different counties may consolidate into one corporation to form a noncharter code city by proceedings in conformity with the provisions of this chapter. When municipal corporations are separated by water and/or tide or shore lands they shall be deemed contiguous for all the purposes of this chapter and, upon a consolidation of such corporations under the provisions of this chapter, any such intervening water and/or tide or shore lands shall become a part of the consolidated corporation.

Sec. 35A.05.020 *Resolution for Election on Consolidation.* The legislative bodies of two or more contiguous municipal corporations may, by a joint resolution requiring a majority vote of each legislative body, provide for submission to the voters of each of such corporations of a proposal for consolidation of such contiguous municipal corporations as a noncharter code city, setting forth in the resolution the name proposed for the consolidated city and the proposed plan of government, which shall be one of the plans of government authorized by this title. The resolution shall provide for submission of the question to the voters at the next general municipal election, if one is to be held within one hundred and eighty days, or shall call for a special election to be held for that purpose not less than ninety days nor more than one hundred eighty days after the passage of such joint resolution.

Optional  
Municipal  
Code.

Consolidation  
as non-charter  
code city.

Sec. 35A.05.030 *Proposal for Assumption of Indebtedness.* A resolution under section 35A.05.020 or a petition under section 35A.05.040 may contain a proposal that a general obligation indebtedness of one or more of the corporations proposed to be consolidated shall be assumed by the proposed consolidated noncharter code city, in which event, the resolution or petition shall specify the improvement or service for which such general obligation indebtedness was incurred, state the amount of any such indebtedness then outstanding, and the rate of interest payable thereon. The proposal may contain the limitation that upon consolidation only such properties as were within the city previously obligated and such additional properties within the proposed non-charter code city as will be generally benefited by such improvement or service shall thereafter be taxed to pay such assumed indebtedness.

Sec. 35A.05.040 *Petition for Consolidation—Election.* When a sufficient petition, as determined by the rules set forth in section 35A.01.040, is filed with the legislative body of each of such contiguous municipal corporations, signed by electors of each such corporation in number equal to not less than ten percent of the votes cast at the last general municipal election therein, seeking consolidation of such contiguous municipal corporations as a noncharter code city under one of the plans of government authorized by this title, naming such plan and setting forth a name for the proposed consolidated city, the legislative body of the municipal corporation in which the largest number of inhabitants reside (hereinafter called principal legislative body) shall cause to be submitted to the electors of each of such corporations, at the next general municipal election, if one is to be held within one hundred and eighty days, or at a special election to be called for that purpose not less than ninety nor more than one

hundred and eighty days after the filing of the petition, the question whether such corporation shall become consolidated as a noncharter code city under the plan of government proposed in the petition.

Consolidation  
as non-charter  
code city.

Sec. 35A.05.050 *Notice to Other Municipal Corporations Affected—Designation of Election Date.* The principal legislative body receiving a petition for consolidation shall send a written notice thereof to the legislative body of each of the municipal corporations affected, naming the plan of government proposed in the petition, stating the elective offices provided under such plan and the name proposed in the petition for the proposed consolidated city, and designating the day upon which the question of consolidation shall be submitted to the voters in each of the corporations proposed to be consolidated as a noncharter code city. If a proposal for assumption of indebtedness is included in the petition, the notice shall state such proposition.

Sec. 35A.05.060 *Election of Officers upon Approval of Consolidation and Plan of Government by the Voters.* When a proposal to consolidate one or more contiguous municipal corporations as a non-charter code city is to be submitted to the electors as provided in this chapter, candidates for the offices which would be created if the plan of government proposed in the petition or resolution were approved by the voters shall file a declaration of candidacy with the county auditor not more than forty-five nor less than thirty days prior to such election and their names shall be placed upon the ballot under the designation of the respective titles of offices for which they are candidates. If a majority of those voting on the measures approve the proposed consolidation as a noncharter code city under the plan of government proposed and the name proposed, the persons elected to offices under such plan shall,



Optional  
Municipal  
Code.

upon their qualification as provided by law, become the first officers of the new noncharter code city.

Consolidation  
as non-charter  
code city.

Sec. 35A.05.070 *Notice of Election.* Upon the giving and receiving of the notice required by section 35A.05.050 or upon the passage of a joint resolution as provided in section 35A.05.020, the legislative body of each of the municipal corporations proposed to be consolidated shall cause an election to be held in such corporation upon the date designated in the resolution or in the notice, and shall publish notice thereof at least once each week for two weeks prior to the date of election in one or more newspapers of general circulation within such corporation. Such notice of election shall state the names of the municipal corporations proposed to be consolidated as a noncharter code city, the name of the proposed noncharter code city, the plan of government proposed in the petition or resolution, the title of each office under such plan, the names and addresses of all candidates for each office, in alphabetical order under the title of the office for which they are candidates and without party designation, the days and hours during which the polls will be open and the address of each polling place in each precinct. If the resolution or petition includes a proposal for assumption of indebtedness, the notice of election shall distinctly state such proposal and shall specify the improvement or service for which the general obligation indebtedness proposed to be assumed was incurred, state the amount of any such indebtedness outstanding or pending at the date of the first publication of the notice and the rate of interest thereon.

Sec. 35A.05.080 *Ballots.* Ballot titles shall be prepared as provided in section 35A.29.120. If a proposal for assumption of indebtedness is to be submitted to the voters, the proposal shall be separately stated and the ballots shall contain, as a separate

proposition to be voted on, the words "For Assumption of Indebtedness" and "Against Assumption of Indebtedness" or words equivalent thereto. The names of all candidates for offices under the plan of government proposed shall be arranged on the ballot in groups under the designation of the title of the office for which they are candidates, in alphabetical order and without party designation. The ballot shall clearly direct the voter to cast his votes for officers under the plan of government proposed, regardless of how he may vote on the proposition, to indicate his choice among the candidates in the event the proposition is approved by a majority of those voting thereon.

Consolidation  
as non-charter  
code city.

Sec. 35A.05.090 *Canvass of Returns—Joint Convention—Abstract of Votes, Contents, Filing.* The election officials in each county involved, after counting the ballots, shall make their returns to their county auditor upon forms furnished by him within six hours after the closing of the polls; and on the Monday next succeeding the election or as soon as the county auditor has received the returns from all the precincts included therein, the county canvassing board in each county involved shall canvass the returns in such election. The votes cast in each of such corporations shall be canvassed separately, and the statement shall show the whole number of votes cast, the number of votes cast in each corporation for consolidation as a noncharter code city under the proposed plan of government, and the number in each corporation cast against such consolidation, and the number of votes received by each candidate. If a proposal for assumption of indebtedness was voted upon, the statement shall show the number of votes cast in each corporation for assumption of indebtedness and the number against assumption of indebtedness. A certified copy of such statement shall be filed with the legislative

Optional  
Municipal  
Code.

Consolidation  
as non-charter  
code city.

body of each of the corporations affected. If it shall appear from such statement of canvass that a majority of the votes cast in each of the corporations were in favor of consolidation, the legislative bodies of each of such corporations shall meet in joint convention at the usual place of meeting of the legislative body of that one of the corporations having the largest population as shown by the most recent state or federal census, on the second Monday next succeeding the receipt of the statement of canvass to prepare an abstract of votes cast, incorporating therein the information contained in the statement of canvass and declaring the consolidation as a non-charter code city to be adopted, stating the plan of government and the name of the new city approved at such election. A duly certified copy of such abstract shall be filed with the legislative body of each of the corporations affected and recorded upon its minutes, and the clerk of each such legislative body shall transmit to the secretary of state a duly certified copy of the record of such abstract.

Sec. 35A.05.100 *Effective Date of Consolidation and Incorporation of Noncharter Code City.* Upon the filing of the record of the abstract of election with the office of the secretary of state by the clerk of each such legislative body, such corporations shall be consolidated into one corporation which shall be classified as a noncharter code city under the name and with the plan of government approved by the voters at such election, and shall be governed under the provisions of this title, with the powers conferred hereby.

Sec. 35A.05.110 *Terms of Elected Officers—First Municipal Election.* Upon the filing of the record of the abstract of election with the secretary of state, the county auditor shall issue certificates of election to the persons receiving a majority of the votes cast

for each office at such election. The newly elected officers, upon their qualification as provided by law, shall assume office on the first Monday following the issuance of the certificate of election and shall continue in office until their successors are elected and qualified at the next general municipal election: *Provided*, That if the date of the next general municipal election is less than seventy-five days after the consolidation election, the officers elected at the consolidation election shall hold office until their successors are elected and qualified at the second general municipal election following such incorporation election.

Consolidation  
as non-charter  
code city.

Sec. 35A.05.120 *Cost of Election*. If the majority vote at an election under this chapter is in favor of consolidation, the costs of such election shall be borne by the new noncharter code city formed by such consolidation. If the majority vote at such election was against consolidation, the costs of election shall be borne proportionately by each corporation affected, in that ratio which the number of inhabitants residing in such corporation bear to the total number of inhabitants residing in the total area in which the election was held, as shown by the figures released at the most recent state or federal census or by a determination of the state census board.

Sec. 35A.05.130 *Disposition of Property*. Upon the consolidation of two or more municipal corporations as provided in this chapter, the title to all property owned by, or held in trust for, such former corporations shall vest in the consolidation corporation: *Provided*, That if any such former corporation shall be indebted, the proceeds of the sale of any such property not required for the use of such consolidated corporation shall be applied to the payment of such indebtedness, if any exists at the time of such sale.

Optional  
Municipal  
Code.

Consolidation  
as non-charter  
code city.

Sec. 35A.05.140 *Assets and Liabilities of Component Corporations—Taxation to Pay Claims.* Such consolidation shall in no wise affect or impair the validity of any claim or chose in action existing in favor of, or against, any such former corporation so consolidated, or the area theretofore comprising such former corporation, or any proceeding pending in relation thereto, but such consolidated noncharter code city shall collect such claim in favor of such former corporation and shall apply the proceeds to the payment of any just claims against them respectively, and shall, when necessary, levy and collect taxes against the taxable property within any such former corporation sufficient to pay all just claims against it.

Sec. 35A.05.150 *Continuation of Ordinances.* All ordinances in force within each former corporation at the time of consolidation not in conflict with the laws governing the consolidated noncharter code city, shall remain in full force and effect within the area of the consolidated city to which such ordinances formerly applied until superseded or repealed by the legislative body of the consolidated noncharter code city, and shall be enforced by the new city, but all ordinances of such former corporations in conflict with ordinances of the consolidated noncharter code city shall be deemed repealed upon the effective date of a conflicting or repealing ordinance of the noncharter code city. Nothing in this section shall be construed to discharge any person from any liability, civil or criminal, for any violation of any ordinance of such former corporation incurred prior to such consolidation.

Sec. 35A.05.160 *Taxation of Component Cities.* No property within any former corporation so consolidated under the provisions of this chapter shall be taxed to pay any portion of any general obliga-

tion indebtedness of any other of such former corporations contracted or incurred prior to the date of such consolidation; except that, when the petition or resolution initiating such consolidation proceedings proposes that a general obligation indebtedness of one or more of the corporations proposed to be consolidated shall be assumed by the proposed consolidated noncharter code city and such proposal is approved by sixty percent of the voters voting thereon in each former corporation, then the legislative body of the new noncharter code city shall be authorized to apportion the burden of taxation to pay such indebtedness or to meet such obligation.

Consolidation  
as non-charter  
code city.

#### Chapter 35A.06

### PROVISIONS APPLICABLE TO ADOPTION AND ABANDONMENT OF NONCHARTER CODE CITY CLASSIFICATION OR PLAN OF GOVERNMENT

General  
provisions—  
Adoption or  
abandonment  
of non-charter  
code city  
status or plan  
of government.

Sec. 35A.06.010 *Each Optional Plan of Government Declared Complete Form of Government.* Each of the optional plans of government authorized by chapter 35A.12 and chapter 35A.13, with any amendments thereto, is declared to be a complete and separate plan of government authorized by the legislature for submission to the voters of a municipality or for adoption by resolution of the legislative body thereof in the manner provided herein, and is additional to the plans of government existing prior to the time this title takes effect.

Sec. 35A.06.020 *Laws Applicable to Noncharter Code Cities.* The classifications of municipalities which existed prior to the time this title goes into effect — first class, second class, third class and fourth class — and the restrictions, limitations, duties, and obligations specifically imposed by law upon such classes of cities and towns, shall have no application to noncharter code cities, but every non-

Optional  
Municipal  
Code.

charter code city, by adopting such classification, has elected to be governed by the provisions of this title, with the powers granted hereby.

General  
provisions—  
Adoption or  
abandonment  
of non-charter  
code city  
status or plan  
of government.

Sec. 35A.06.030 *Abandonment of Plan of Government of a Noncharter Code City.* By use of the resolution for election or petition for election methods described in section 35A.06.040, any noncharter code city which has operated for more than six years under one of the optional plans of government authorized by this title, or which retained its existing plan of government upon becoming a noncharter code city and has operated thereunder for more than six years, may abandon such organization and may either adopt another plan of government authorized for noncharter code cities, or may adopt a plan of government authorized by the general law for municipalities of the highest class for which the population of such city qualifies it, or authorized for the class to which such city belonged immediately prior to becoming a noncharter code city, if any. When a noncharter code city adopts a plan of government other than those authorized for noncharter code cities, such city ceases to be governed under this optional municipal code and shall be classified as a city or town of the class selected in the proceeding for adoption of such new plan, with the powers granted to such class under the general law.

Sec. 35A.06.040 *Abandonment—Resolution or Petition for Election.* Upon the passage of a resolution of the legislative body of a noncharter code city, or upon the filing of a sufficient petition with the city clerk signed by qualified electors in number equal to not less than ten percent of the votes cast at the last general municipal election therein, proposing abandonment by the city of the plan of government under which it is then operating and adoption of another plan, naming such plan, the suffi-

ciency of the petition for abandonment shall be determined, an election ordered and conducted, and the results declared generally as provided in chapter 35A.02 insofar as such provisions are applicable. If the resolution or petition proposes a plan of government other than those authorized in chapters 35A.12 and 35A.13 of this title, the resolution or petition shall specify the class under which such city will be classified upon adoption of such plan.

General provisions—Adoption or abandonment of non-charter code city status or plan of government.

Sec. 35A.06.050 *Abandonment—Election.* The proposal for abandonment of the plan of government under which a noncharter code city has operated for more than six years and for adoption of the plan named in the resolution or petition shall be voted upon at the next general municipal election if one is to be held within one hundred and eighty days or at a special election called for that purpose not less than ninety days, nor more than one hundred and eighty days after the passage of the resolution or the certification of sufficiency of the petition. The ballot title and statement of the proposition shall be prepared by the city attorney as provided in section 35A.29.120. If the plan proposed in the petition is not a plan authorized for noncharter code cities by this title, the ballot statement shall clearly set forth that adoption of such plan by the voters would require abandonment of the classification of noncharter code city and government under the general law relating to cities of the class specified in the resolution or petition. If the plan proposed in the petition is a plan authorized for noncharter code cities the ballot statement shall clearly set forth that adoption of such plan by the voters would not affect the eligibility of the noncharter code city to be governed under this optional municipal code.

Sec. 35A.06.060 *Abandonment—Reorganization under Plan Adopted—Effective Date.* If a majority



Optional  
Municipal  
Code.

General  
provisions—  
Adoption or  
abandonment  
of non-charter  
code city status  
or plan of  
government.

of votes cast at the election favor abandonment of the plan of government under which the noncharter code city is then organized and reorganization under the plan proposed in the resolution or petition, the officers elected at the next succeeding general municipal election shall be those prescribed by the plan of government so adopted. Upon the election and qualification of such officers the reorganization of the government of such municipality shall be complete and such municipality shall thereafter be governed under such plan. If the plan so adopted is not a plan authorized for noncharter code cities, upon the election and qualification of such officers the municipality shall cease to be a noncharter code city governed under the provisions of this optional municipal code and shall revert to the classification selected at such election and shall be governed by the general laws relating to municipalities of such class with the powers conferred by law upon municipalities of such class. Such change of classification shall not affect the then existing property rights or liabilities of the municipal corporation.

Sec. 35A.06.070 *Abandonment of Noncharter Code City Classification without Reorganization.* By means of the procedures set forth in this chapter, insofar as they apply, any noncharter code city which has been governed under the provisions of this title for more than six years may abandon the classification of noncharter code city and elect to be governed under the general law relating to cities or towns of the classification held by such city immediately prior to becoming a noncharter code city, if any, or relating to cities or towns of the highest class for which it is qualified by population, with the powers conferred by law upon such class, while retaining the plan of government under which it is then organized. A change of classification approved by a majority of the voters voting on such proposi-

tion shall become effective upon the filing of the record of such election with the office of the secretary of state.

General provisions—  
Adoption or abandonment of non-charter code city status or plan of government.

Sec. 35A.06.080 *After Reclassification or Adoption of Plan of Government No Subsequent Vote on Change for Six Years.* The voters of any municipality which has adopted a plan of government or changed the classification of the municipality under the provisions of this title may not vote on the question of adopting another plan of government or again changing classification for six years thereafter; except that this limitation shall not apply to a noncharter code city seeking to adopt a charter and become a charter code city, governed under the plan of government specified in its charter.

#### Chapter 35A.07

### PROCEDURE FOR CITY OPERATING UNDER CHARTER TO BECOME A CHARTER CODE CITY

Sec. 35A.07.010 *Adoption of Charter Code City Classification Authorized.* Any city having ten thousand inhabitants which is governed under a charter may become a charter code city by a procedure prescribed in this chapter and be governed under this title, with the powers conferred hereby.

Charter city organizing as charter code city.

Sec. 35A.07.020 *Petition Method—Direct.* When a petition is filed, signed by qualified electors of a charter city in number equal to not less than fifty percent of the votes cast at the last general municipal election, seeking the adoption by the charter city of the classification of charter code city the legislative body of such city shall direct the city clerk to determine the sufficiency of the petition under the rules set forth in section 35A.01.040. If the petition is found to be sufficient, the clerk shall file with the legislative body a certificate of sufficiency of the petition. Thereupon the legislative body of the charter city shall, by resolution, declare that the inhabit-

Optional  
Municipal  
Code.

Charter city  
organizing as  
charter code  
city.

ants of such city have decided to adopt the classification of charter code city and to be governed under this title. The legislative body shall cause such resolution to be published at least once in a newspaper of general circulation within the city not later than ten days after the passage of the resolution. Upon the expiration of the ninetieth day from, but excluding the date of first publication of the resolution, if no timely and sufficient referendum petition has been filed, as determined by section 35A.29.170, the legislative body shall effect the decision of the inhabitants, as expressed in the petition, by passage of an ordinance adopting for the city the classification of charter code city.

Sec. 35A.07.025 *Referendum*. Upon the filing of a referendum petition in the manner provided in section 35A.29.170 signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general municipal election, the resolution authorized by section 35A.07.020 shall be referred to the voters for confirmation or rejection in the next general municipal election, if one is to be held within one hundred and eighty days from the date of filing of the referendum petition, or at a special election to be called for that purpose not less than ninety days nor more than one hundred and eighty days from the filing of such referendum petition.

Sec. 35A.07.030 *Resolution Method*. When a majority of the legislative body of a charter city determines that it would serve the best interests and general welfare of such city to become a charter code city, such legislative body may, by resolution, declare its intention to adopt for the city the classification of charter code city and to be governed under the provisions of this title, with the powers conferred hereby. Within ten days after the passage

of the resolution, the legislative body shall cause it to be published at least once in a newspaper of general circulation within the city. Upon the expiration of the ninetieth day from, but excluding the date of first publication of the resolution, if no timely and sufficient referendum petition has been filed, as determined by section 35A.29.170, the intent expressed in such resolution shall be effected by passage of an ordinance adopting for the city the classification of charter code city.

Charter city  
organizing as  
charter code  
city.

Sec. 35A.07.035 *Referendum*. Upon the filing of a referendum petition in the manner provided in section 35A.29.170 signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general municipal election, the resolution authorized by section 35A.07.030 shall be referred to the voters for approval or rejection at an election as specified in section 35A.07.025.

Sec. 35A.07.040 *Certification of Ordinance—Transcript of Record to Secretary of State*. When an ordinance is passed as provided in section 35A.07.020 or section 35A.07.030, the clerk of the charter city shall forward to the secretary of state a certified copy thereof. Upon the filing of the certified copy of the ordinance in the office of the secretary of state, such city shall be classified as a charter code city and shall thereafter be governed under the provisions of this optional municipal code and have the powers conferred hereby.

Sec. 35A.07.050 *Petition for Election*. When a petition which is sufficient under the rules set forth in section 35A.01.040 is filed with the legislative body of a charter city, signed by qualified electors of such city in number equal to not less than ten percent of the votes cast at the last general municipal election, seeking adoption by the city of the classification of charter code city, the city clerk shall file

Optional  
Municipal  
Code.

Charter city  
organizing as  
charter code  
city.

with the legislative body thereof a certificate of sufficiency of such petition. Thereupon the legislative body shall cause such proposal to be submitted to the voters at the next general municipal election if one is to be held within one hundred eighty days, or at a special election to be held for that purpose not less than ninety days nor more than one hundred and eighty days after the filing of such petition. Ballot titles for such election shall be prepared by the city attorney as provided in section 35A.29.120.

Sec. 35A.07.060 *Resolution for Election.* The legislative body of a charter city may, by resolution, submit to the voters at an election held within the time period specified in section 35A.07.050 a proposal that the city adopt the classification of charter code city and be governed under the provisions of this title with the powers conferred hereby.

Sec. 35A.07.070 *Election on Reclassification—Effective Date of Reclassification upon Favorable Vote.* Notice of elections under this chapter shall be given, the election conducted, and the result declared generally as provided in chapter 35A.02, insofar as such provisions are applicable. If a majority of votes cast on the proposition are in favor of adoption of the classification of charter code city, upon the certification of the record of election to the office of the secretary of state, such city shall become a charter code city and shall be governed under the provisions of this title and have the powers conferred on charter code cities.

Chapter 35A.08  
PROCEDURE FOR ADOPTION OF CHARTER AS  
CHARTER CODE CITY

Adoption of  
charter as  
charter code  
city.

Sec. 35A.08.010 *Adoption of Charter Authorized.* Any city having a population of ten thousand or more inhabitants may become a charter code city and be governed under the provisions of this title by

adopting a charter for its own government in the manner prescribed in this chapter. Once any city, having ten thousand population, has adopted such a charter, any subsequent decrease in population below ten thousand shall not affect its status as a charter code city.

Adoption of  
charter as  
charter code  
city.

Sec. 35A.08.020 *Determining Population.* For the purposes of this chapter, the population of a city shall be the number of residents shown by the figures released for the most recent official state or federal census, by a population determination made under the direction of the state census board, or by a city census conducted in the following manner:

(1) The legislative authority of any such city may provide by ordinance for the appointment by the mayor thereof, of such number of persons as may be designated in the ordinance to make an enumeration of all persons residing within the corporate limits of the city. The enumerators so appointed, before entering upon their duties, shall take an oath for the faithful performance thereof and within five days after their appointment proceed, within their respective districts, to make an enumeration of all persons residing therein, with their names and places of residence.

(2) Immediately upon the completion of the enumeration, the enumerators shall make return thereof upon oath to the legislative authority of the city, who at its next meeting or as soon thereafter as practicable, shall canvass and certify the returns.

(3) If it appears therefrom that the whole number of persons residing within the corporate limits of the city is ten thousand or more, the mayor and clerk under the corporate seal of the city shall certify the number so ascertained to the secretary of state, who shall file it in his office. This certificate when so filed shall be conclusive evidence of the population of the city.

Optional  
Municipal  
Code.

Adoption of  
charter as  
charter code  
city.

Sec. 35A.08.030 *Resolution or Petition for Election.* The legislative body of any city having ten thousand or more inhabitants may, by resolution, provide for submission to the voters of the question whether the city shall become a charter code city and be governed in accordance with a charter to be adopted by the voters under the provisions of this title. The legislative body must provide for such an election upon receipt of a sufficient petition therefor signed by qualified electors in number equal to not less than ten percent of the votes cast at the last general municipal election therein. The question may be submitted to the voters at the next general municipal election if one is to be held within one hundred and eighty days or at a special election held for that purpose not less than ninety nor more than one hundred and eighty days after the passage of the resolution or the filing of the certificate of sufficiency of the petition. At such election provision shall also be made for the election of fifteen freeholders who, upon a favorable vote on the question, shall constitute the charter commission charged with the duty of framing a charter for submission to the voters.

Sec. 35A.08.040 *Election on Question—Election of Freeholders.* The election on the question whether to adopt a charter and become a charter code city and the nomination and election of the members of the charter commission shall be conducted, and the result declared, according to the laws regulating and controlling elections in the city. Candidates for election to the charter commission must be nominated by petition signed by ten qualified electors of the city and residents therein for a period of at least two years preceding the election. A nominating petition shall be filed within the time allowed for filing declarations of candidacy and shall be verified by an affidavit of one or more of the

signers to the effect that the affiant believes that the candidate and all of the signers are qualified electors of the city and he signed the petition in good faith for the purpose of endorsing the person named therein for election to the charter commission. A written acceptance of the nomination by the nominee shall be affixed to the petition when filed with the city clerk. Nominating petitions need not be in the form prescribed in section 35A.01.040. Any nominee may withdraw his nomination by a written statement of withdrawal filed at any time not later than five days before the last day allowed for filing nominations. The positions on the charter commission shall be designated by consecutive numbers one through fifteen, and the positions so designated shall be considered as separate offices for all election purposes. A nomination shall be made for a specific numbered position.

Adoption of  
charter as  
charter code  
city.

Sec. 35A.08.050 *Organization of Charter Commission—Vacancies—Duties.* Within ten days after its election the charter commission shall hold its first meeting, elect one of the members as chairman, and adopt such rules for the conduct of its business as it may deem advisable. In the event of a vacancy in the charter commission, the remaining members shall fill it by appointment thereto of some properly qualified person. A majority shall constitute a quorum for transaction of business but final charter recommendations shall require a majority vote of the whole membership of the commission. The commission shall study the plan of government of the city, compare it with other available plans of government, and determine whether, in its judgment, the government of the city could be strengthened, made more responsive or accountable to the people, or whether its operation could be made more economical or more efficient by amendment of the existing plan or adoption of another plan of govern-



Optional  
Municipal  
Code.

Adoption of  
charter as  
charter code  
city.

ment. The commission shall consider the plans of government described in this title but shall not be limited to such plans in its recommendations for the government of the city and may frame a charter for any plan it deems suitable for the good government of the city; except that the provisions of such charter shall not be valid if inconsistent with the Constitution of this state, the provisions of this title, or the general laws of the state, insofar as they are applicable to cities governed under this title.

Sec. 35A.08.060 *Expenses of Commission Members—Consultants and Assistants.* Members of the charter commission shall serve without compensation but shall be reimbursed by the city from any funds for their necessary expenses incurred in the performance of their duties. The legislative body may, in its discretion, make a reasonable appropriation of the city funds to provide for public information and discussion concerning the purposes and progress of the commission's work and/or to provide technical or clerical assistance to the commission in its work. Within the limits of any such appropriation and privately contributed funds and services as may be available to it, the charter commission may appoint one or more consultants and clerical or other assistants to serve at the pleasure of the commission and may fix a reasonable compensation to be paid such consultants and assistants.

Sec. 35A.08.070 *Public Hearing.* The charter commission shall hold at least one public hearing in the course of its deliberations, may hold committee meetings and may sponsor public forums and promote public education and discussion respecting its work.

Sec. 35A.08.080 *Submission of Charter—Election of Officers—Publication.* Within one hundred and eighty days from the date of its first meeting,

the charter commission, or a majority thereof, shall frame a charter for the city and submit the charter to the legislative body of the city, which, within five days thereafter shall initiate proceedings for the submission of the proposed charter to the qualified electors of the city at the next general election if one is to be held within one hundred and eighty days or at a special election to be held for that purpose not less than ninety nor more than one hundred and eighty days after submission of the charter to the legislative body. The legislative body shall cause the proposed charter to be published in a newspaper of general circulation in the city at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval. At this election the first officers to serve under the provisions of the proposed charter shall also be elected. If the election is from wards, the division into wards as specified in the proposed charter shall govern; in all other respects the then existing laws relating to such elections shall govern. The notice of election shall specify the objects for which the election is held and shall be given as required by law.

Adoption of  
charter as  
charter code  
city.

Sec. 35A.08.090 *Conduct of Elections.* The election upon the question of becoming a charter code city and framing a charter and the election of the charter commission, and the election upon the adoption or rejection of the proposed charter and the officers to be elected thereunder, the returns of both elections, the canvassing thereof, and the declaration of the result shall be governed by the laws regulating and controlling elections in the city.

Sec. 35A.08.100 *Ballot Titles.* Ballot titles for elections under this chapter shall be prepared by the city attorney as provided in section 35A.29.120. The ballot statement in the election for adopting or

Optional  
Municipal  
Code.

rejecting the proposed charter shall clearly state that, upon adoption of the proposed charter, the city would be governed by its charter and by this title.

Adoption of  
charter as  
charter code  
city.

Sec. 35A.08.110 *Certificates of Election to Officers—Effective Date of Becoming Charter Code City.* If a majority of the votes cast at the election upon the adoption of the proposed charter favor it, certificates of election shall be issued to each officer elected at that election. Within ten days after the issuance of the certificates of election, the newly elected officers shall qualify as provided in the charter, and on the tenth day thereafter at twelve o'clock noon of that day or on the next business day if the tenth day is a Saturday, Sunday or holiday, the officers so elected and qualified shall enter upon the duties of the offices to which they were elected and at such time the charter shall be authenticated, recorded, attested and go into effect, and the city shall thereafter be classified as a charter code city. When so authenticated, recorded and attested, the charter shall become the organic law of the city and supersede any existing charter and amendments thereto and all special laws inconsistent therewith.

Sec. 35A.08.120 *Authentication of Charter.* The authentication of the charter shall be by certificate of the mayor in substance as follows:

“I ....., mayor of the city of....., do hereby certify that in accordance with the provisions of the Constitution and statutes of the state of Washington, the city of ..... caused fifteen freeholders to be elected on the ..... day of ....., 19..... as a charter commission to prepare a charter for the city; that due notice of that election was given in the manner provided by law and that the following persons were declared elected to prepare and propose a charter for the city, to wit: .....

That thereafter on the ..... day of ..... 19..... the charter commission returned a proposed charter for the city of ..... signed by the following members thereof: .....

Adoption of charter as charter code city.

That thereafter the proposed charter was published in ..... (indicate name of newspaper in which published), for at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval.

(Indicate dates of publication.)

That thereafter on the ..... day of ..... 19....., at an election duly called and held, the proposed charter was submitted to the qualified electors thereof, and the returns canvassed resulting as follows: For the proposed charter ..... votes; against the proposed charter, ..... votes; majority for the proposed charter, ..... votes; whereupon the charter was declared adopted by a majority of the qualified electors voting at the election.

I further certify that the foregoing is a full, true and complete copy of the proposed charter so voted upon and adopted as aforesaid.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the corporate seal of the said city at my office this ..... day of ....., 19.....

.....  
Mayor of the city of.....

Attest:

.....  
Clerk of the city of ..... (corporate seal)."

Immediately after authentication, the authenticated charter shall be recorded by the city clerk in a book provided for that purpose known as the charter book of the city of ..... and when so recorded shall be attested by the clerk and mayor under the corporate seal of the city. All amendments shall be in like manner recorded and attested.

Optional  
Municipal  
Code.

All courts shall take judicial notice of a charter and all amendments thereto when recorded and attested as required in this section.

#### Chapter 35A.09

Amendment or  
revision of  
charter.

### AMENDMENT OR REVISION OF CHARTERS OF CHARTER CODE CITIES

Sec. 35A.09.010 *Amendment of Charter—Initiated by Legislative Body.* The charter of a charter code city may be amended by proposals therefor submitted by resolution of the legislative authority of such city to the electors thereof at any general election, after publication of such proposed charter amendment in the manner provided in chapter 35A.08 for publication of a proposed charter, and upon notice of election as provided by law. If such proposed charter amendment is ratified by a majority of the qualified electors voting thereon it shall become a part of the charter organic law governing such charter code city.

Sec. 35A.09.020 *Petition for Submission of Charter Amendment.* Upon the filing with the city clerk of a sufficient petition signed by qualified electors of a charter code city, in number equal to at least ten percent of the votes cast at the last general municipal election, seeking the adoption of a specified charter amendment set forth in the petition, providing for any matter within the realm of local affairs, or municipal business, or structure of municipal government, offices, and departments, said amendment shall be submitted to the voters at the next general municipal election if one is to be held within one hundred and eighty days, or at a special election to be held for that purpose not less than ninety days, nor more than one hundred and eighty days after the filing of the certificate of sufficiency of the petition. The proposed charter amendment shall be published as provided in section 35A.09.050.

Upon approval by a majority of the qualified electors voting thereon, such amendment shall become a part of the charter organic law governing such charter code city.

Amendment or  
revision of  
charter.

Sec. 35A.09.030 *New or Revised Charter—Petition—Charter Commission.* On the petition of a number of qualified electors of a charter code city equal to ten percent of the total votes cast at the last preceding municipal general election, the legislative body of such charter code city shall, or without such petition, may, by resolution, cause an election to be held for the election of a charter commission of fifteen freeholders for the purpose of preparing a new or revised charter for the city by altering, revising, adding to, or repealing the existing charter including all amendments thereto. The members of the charter commission shall be qualified and nominated as provided by chapter 35A.08. At such election the proposition of whether or not a charter commission shall be created at all shall be separately stated on the ballots and unless a majority of the votes cast upon that proposition favor it, no further steps shall be taken in the proceedings.

Sec. 35A.09.040 *Submission of New or Revised Charter—Election.* Within ten days after the results of the election authorized by section 35A.09.030 have been determined, if a majority of the votes cast favor the proposition, the members of the charter commission elected thereat shall convene and prepare a new or revised charter by altering, revising, adding to, or repealing the existing charter including all amendments thereto and within one hundred and eighty days thereafter file it with the city clerk. The charter commission shall be organized, vacancies filled, alternative plans of government considered, and a public hearing held all in the manner provided in sections of chapter 35A.08 relating to charter commissions, and the commission members

Optional  
Municipal  
Code.Amendment or  
revision of  
charter.

shall be reimbursed for their expenses and may obtain technical and clerical assistance in the manner provided in chapter 35A.08. Upon the filing of the proposed new, altered, changed, or revised charter with the city clerk, it shall be submitted to the qualified electors of the charter code city at an election conducted as provided in section 35A.09.060.

Sec. 35A.09.050 *Publication of Proposed Charter.* The proposed new, altered, or revised charter shall be published in the daily newspaper of largest general circulation published in the city, or if no daily newspaper is published therein, then it shall be published in the newspaper having the largest general circulation within the city at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval.

Sec. 35A.09.060 *Conduct of Elections.* The election of the charter commission and the election upon the proposition of adopting the proposed new, altered, or revised charter, may be general or special elections held within the corresponding time period specified in chapter 35A.08, and except as herein provided, said elections, the notice specifying the objects thereof, the returns, the canvassing, and the declaration of the result shall be governed by the laws regulating and controlling elections in the charter code city.

Sec. 35A.09.070 *Effect of Favorable Vote.* If a majority of the voters voting upon the adoption of the proposed new, altered, or revised charter favor it, it shall become the charter of the charter code city and the organic law thereof, superseding any existing charter; but if any offices are abolished or dispensed with by the new, altered, or revised charter, and any new offices created thereby, such charter shall not go into effect until the election and qualification of such new officers at the next general

municipal election if one is to be held within one hundred and eighty days, or at a special election to be held for that purpose not less than ninety days, nor more than one hundred and eighty days after approval of such charter by the voters.

#### Chapter 35A.10

### PROVISIONS APPLICABLE TO ADOPTION AND ABANDONMENT OF CHARTER CODE CITY CLASSIFICATION

General provisions, adoption or abandonment of charter code city status.

Sec. 35A.10.010 *Laws Applicable to Charter Code Cities.* The classifications of municipalities which existed prior to the time this title goes into effect—first class, second class, third class and fourth class—and the restrictions, limitations, duties and obligations specifically imposed by law upon such classes of cities and towns, shall have no application to charter code cities, but every charter code city, by adopting such classification, has elected to be governed by its charter and by the provisions of this title, with the powers thereby granted.

Sec. 35A.10.020 *Abandonment of Charter Code City Classification.* Any charter code city, which has been so classified under the provisions of this title for more than six years may abandon such classification and elect to be governed according to its charter under the general law relating to charter cities of the classification held by such city immediately prior to becoming a charter code city, if any, or may elect to be governed by the general law relating to charter cities of the highest class, or other class, for which it is qualified by population.

Sec. 35A.10.030 *Resolution or Petition for Change of Classification—Election.* Upon the passage of a resolution of the legislative body of a charter code city, or upon the filing with the city clerk of a sufficient petition signed by qualified electors of a charter code city in number equal to not



Optional  
Municipal  
Code.

General provi-  
sions, adoption  
or abandon-  
ment of  
charter code  
city status.

less than ten percent of the votes cast at the last general municipal election therein, proposing abandonment of the classification of charter code city and that the city be governed under its charter and the general law relating to cities of the classification named in the petition or resolution, the legislative body thereof shall cause the propositions to be submitted to the voters at the next general municipal election if one is to be held within one hundred and eighty days or at a special election to be held for that purpose not less than ninety days nor more than one hundred and eighty days after the passage of the resolution or the filing of the certificate of sufficiency of the petition. Notice of election shall be given, the election conducted, and results declared generally as provided in chapter 35A.02, insofar as such provisions are applicable. If a majority of the votes cast upon such proposition are in favor of abandonment of the classification of charter code city, upon the certification of the record of election to the office of the secretary of state, such charter city shall be classified as a city of the class selected and shall be governed by the laws relating thereto.

Sec. 35A.10.040 *No Subsequent Vote for Six Years.* When a proposition for abandonment of the classification of charter code city has been submitted to the voters of the charter code city in an election and has been rejected by a majority of such voters, such proposition shall not again be submitted to the voters for six years thereafter.

Laws govern-  
ing code cities  
—Powers.

Chapter 35A.11  
LAWS GOVERNING NONCHARTER CODE  
CITIES  
AND CHARTER CODE CITIES—POWERS

Sec. 35A.11.010 *Rights, Powers and Privileges.*  
Each city governed under this optional municipal

code, whether charter or noncharter, shall be entitled "City of ....." (naming it), and by such name shall have perpetual succession; may sue and be sued in all courts and proceedings; use a corporate seal approved by its legislative body; and, by and through its legislative body, such municipality may contract and be contracted with; may purchase, lease, receive, or otherwise acquire real and personal property of every kind, and use, enjoy, hold, lease, control, convey or otherwise dispose of it for the common benefit.

Laws governing  
code cities  
—Powers.

Sec. 35A.11.020 *Powers Vested in Legislative Bodies of Noncharter and Charter Code Cities.* The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people; may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the city, and may impose penalties of fine not exceeding five hundred dollars or imprisonment for any term not exceeding six months, or both, for the violation of such ordinances, constituting a misdemeanor or gross misdemeanor as provided therein. The legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law. By way of illustration and not in limitation, such powers may be exercised in regard to the acquisition, sale, ownership, improvement, mainte-

Optional  
Municipal  
Code.

Laws govern-  
ing code cities  
—Powers.

nance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, real property of all kinds, waterways, structures, or any other improvement or use of real or personal property, in regard to all aspects of collective bargaining, and in the rendering of local social, cultural, recreational, educational, governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns. In addition and not in limitation, the legislative body of each code city shall have any authority ever given to any class of municipality or to all municipalities of this state before or after the enactment of this title, such authority to be exercised in the manner provided, if any, by the granting statute, when not in conflict with this title. Within constitutional limitations, legislative bodies of code cities shall have within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the state as provided in RCW 66.08.120, RCW 82.36.440, RCW 48.14.020, and RCW 48.14.080.

Sec. 35A.11.030 *Applicability of General Law.* Powers of eminent domain, borrowing, taxation, and the granting of franchises may be exercised by the legislative bodies of code cities in the manner provided in this title or by the general law of the state where not inconsistent with this title; and the duties to be performed and the procedure to be followed by such cities in regard to the keeping of accounts and records, official bonds, health and safety and other matters not specifically provided for in this title, shall be governed by the general law. For the purposes of this title, "the general law" means any provision of state law, not inconsistent with this title, enacted before or after the passage of this title

which is by its term applicable or available to all cities or towns.

Laws govern-  
ing code cities  
—Powers.

Sec. 35A.11.040 *Intergovernmental Cooperation and Action.* The legislative body of a code city may exercise any of its powers or perform any of its functions including purchasing, and participate in the financing thereof, jointly or in cooperation, as provided for in chapter 239, Laws of 1967. The legislative body of a code city shall have power to accept any gift or grant for any public purpose and may carry out any conditions of such gift or grant when not in conflict with state or federal law.

Sec. 35A.11.050 *Statement of Purpose and Policy.* The general grant of municipal power conferred by this chapter and this title on legislative bodies of noncharter code cities and charter code cities is intended to confer the greatest power of local self-government consistent with the Constitution of this state and shall be construed liberally in favor of such cities. Specific mention of a particular municipal power or authority contained in this title or in the general law shall be construed as in addition and supplementary to, or explanatory of the powers conferred in general terms by this chapter.

#### Chapter 35A.12

#### MAYOR-COUNCIL PLAN OF GOVERNMENT

Sec. 35A.12.010 *Elective City Officers—Size of Council.* The government of any noncharter code city or charter code city electing to adopt the mayor-council plan of government authorized by this chapter shall be vested in an elected mayor and an elected council. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants, the council shall consist of seven members. The number of inhabitants shall be determined by the most re-

Mayor-council  
plan of gov-  
ernment.

Optional  
Municipal  
Code.

Mayor-council  
plan of gov-  
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cent official state or federal census or determination by the state census board. A charter adopted under the provisions of this title, incorporating the mayor-council plan of government set forth in this chapter, may provide for an uneven number of councilmen not exceeding eleven.

Sec. 35A.12.020 *Appointive Officers—Duties—Compensation.* The appointive officers shall be those provided for by charter or ordinance and shall include a city clerk and a chief law enforcement officer. The office of city clerk may be merged with that of a city treasurer, if any, with an appropriate title designated therefor. Provision shall be made for obtaining legal counsel for the city, either by appointment of a city attorney on a full-time or part-time basis, or by any reasonable contractual arrangement for such professional services. The authority, duties and qualifications of all appointive officers shall be prescribed by charter or ordinance, consistent with the provisions of this title, and any amendments thereto, and the compensation of appointive officers shall be prescribed by ordinance: *Provided*, That the compensation of an appointed police judge or municipal judge shall be within applicable statutory limits.

Sec. 35A.12.030 *Eligibility To Hold Elective Office.* No person shall be eligible to hold elective office under the mayor-council plan unless he shall have been a registered voter and resident of the city for a period of at least one year next preceding his election. Residence and voting within the limits of any territory which has been included in, annexed to, or consolidated with such city is construed to have been residence within the city. A mayor or councilman shall hold within the city government no other public office or employment except as

permitted under the provisions of chapter 42.23 RCW. Mayor-council plan of government.

Sec. 35A.12.040 *Elections—Terms of Elective Officers—Numbering of Council Positions—Contested Elections.* Officers shall be elected at biennial municipal elections to be conducted as provided in chapter 35A.29. The mayor and the councilmen shall be elected for four year terms and until their successors are elected and qualified; except that at the first election the three councilmen in cities having seven councilmen, and the two councilmen in cities having five councilmen, who received the lesser number of votes at such election shall be elected for two year terms and the remaining councilmen shall be elected for four year terms. Thereafter the requisite number of councilmen shall be elected biennially as the terms of their predecessors expire and shall serve for terms of four years. After the first election, the positions to be filled on the city council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes, as provided in section 35A.29.105. Election to positions on the council shall be by majority vote from the city at large, unless provision is made by charter or ordinance for election by wards. The city council shall be the judge of the qualifications of its members and determine contested elections of city officers, subject to review by certiorari as provided by law. The mayor and councilmen shall qualify by taking an oath or affirmation of office and as may be provided by law, charter, or ordinance.

Sec. 35A.12.050 *Vacancies—Filling of Vacancies.* The office of a mayor or councilman shall become vacant if he fails to qualify as provided by law or fails to enter upon his duties at the time fixed by law without a justifiable reason, upon his death, resignation, removal from office by recall as pro-

Optional  
Municipal  
Code.

Mayor-council  
plan of gov-  
ernment.

vided by law, or when his office is forfeited as provided in section 35A.12.060. A vacancy in the office of mayor or in the council shall be filled for the remainder of the unexpired term, if any, at the next regular municipal election but the council, or the remaining members thereof, by majority vote shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If at any time the membership of the council is reduced below the number required for a quorum, the remaining members, nevertheless, by majority action may appoint additional members to fill the vacancies until persons are elected to serve the remainder of the unexpired terms. If, after thirty days have passed since the occurrence of a vacancy, the council are unable to agree upon a person to be appointed to fill a vacancy in the council, the mayor may make the appointment from among the persons nominated by members of the council.

Sec. 35A.12.060 *Forfeiture of Office.* A mayor or councilman shall forfeit his office, creating a vacancy, if he ceases to have the qualifications prescribed for such office by law, charter, or ordinance, or if he is convicted of a crime involving moral turpitude or an offense involving a violation of his oath of office. A councilman also shall forfeit his office if he fails to attend three consecutive regular meetings of the council without being excused by the council.

Sec. 35A.12.065 *Pro Tempore Appointments.* Biennially at the first meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any

qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a councilman, the remaining members by majority vote may appoint a councilman pro tempore to serve during the absence or disability.

Mayor-council  
plan of gov-  
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Sec. 35A.12.070 *Compensation of Elective Officers—Expenses.* The salaries of the mayor and the councilmen shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not be applicable to the term then being served by the incumbent.

Until the first elective officers under this mayor-council plan of government may lawfully be paid the compensation provided by such salary ordinance, such officers shall be entitled to be compensated in the same manner and in the same amount as the compensation paid to officers of such city performing comparable services immediately prior to adoption of this mayor-council plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, such first officers shall be entitled to compensation as follows: In cities having less than five thousand inhabitants, the mayor shall be entitled to a salary of one hundred and fifty dollars per calendar month and a councilman shall be entitled to twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants, the mayor shall be entitled to a salary of three hundred and fifty dollars per calendar month and a councilman shall be entitled to one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants, the mayor shall be entitled to a salary of twelve hundred and fifty dollars per calendar month and a



Optional  
Municipal  
Code.

Mayor-council  
plan of gov-  
ernment.

councilman shall be entitled to four hundred dollars per calendar month: *Provided*, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the amounts herein provided shall not be construed as fixing the usual salary of such officers. The mayor and councilmen shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

Sec. 35A.12.080 *Oath and Bond of Officers.* Any officer before entering upon the performance of his duties may be required to take an oath or affirmation as prescribed by charter or by ordinance for the faithful performance of his duties. The clerk, treasurer, if any, chief of police, and such other officers or employees as may be designated by ordinance or by charter shall be required to furnish annually an official bond conditioned on the honest and faithful performance of their official duties. The terms and penalty of official bonds and the surety therefor shall be prescribed by ordinance or charter and the bond shall be approved by the chief administrative officer of the city. The premiums on such bonds shall be paid by the city. When the furnishing of an official bond is required of an officer or employee, compliance with such provisions shall be an essential part of qualification for office.

Sec. 35A.12.090 *Appointment and Removal of Officers—Terms.* The mayor shall have the power of appointment and removal of all appointive officers and employees subject to any applicable law, rule, or regulation relating to civil service except that a police judge or municipal judge who is appointed

may be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering him incapable of performing the duties of his office. The head of a department or office of the city government may be authorized by the mayor to appoint and remove subordinates in such department or office, subject to any applicable civil service provisions. All appointments of city officers and employees shall be made on the basis of ability and training or experience of the appointees in the duties they are to perform, from among persons having such qualifications as may be prescribed by ordinance or by charter, and in compliance with provisions of any merit system applicable to such city. Confirmation by the city council of appointments of officers and employees shall be required only when the city charter, or the council by ordinance, provides for confirmation of such appointments. Confirmation of mayoral appointments by the council may be required by the council in any instance where qualifications for the office or position have not been established by ordinance or charter provision. Appointive offices shall be without definite term unless a term is established for such office by law, charter or ordinance.

Mayor-council  
plan of gov-  
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Sec. 35A.12.100 *Duties and Authority of the Mayor—Veto—Tie-Breaking Vote.* The mayor shall be the chief executive and administrative officer of the city, in charge of all departments and employees, with authority to designate assistants and department heads. The mayor may appoint and remove a chief administrative officer or assistant administrative officer, if so provided by ordinance or charter. He shall see that all laws and ordinances are faithfully enforced and that law and order is maintained in the city, and shall have general supervision of the administration of city government and all city interests. All official bonds and

Optional  
Municipal  
Code.

Mayor-council  
plan of gov-  
ernment.

bonds of contractors with the city shall be submitted to the mayor or such person as he may designate for approval or disapproval. He shall see that all contracts and agreements made with the city or for its use and benefit are faithfully kept and performed, and to this end he may cause any legal proceedings to be instituted and prosecuted in the name of the city, subject to approval by majority vote of the council. The mayor shall preside over all meetings of the city council, when present, but shall have a vote only in the case of a tie in the votes of the councilmen. He shall report to the council concerning the affairs of the city and its financial and other needs, and shall make recommendations for council consideration and action. He shall prepare and submit to the council a proposed budget, as required by chapter 35A.33. The mayor shall have the power to veto ordinances passed by the council and submitted to him as provided in section 35A.12.130 but such veto may be overridden by the vote of a majority of all council members plus one more vote. The mayor shall be the official and ceremonial head of the city and shall represent the city on ceremonial occasions, except that when illness or other duties prevent the mayor's attendance at an official function and no mayor pro tempore has been appointed by the council, a member of the council or some other suitable person may be designated by the mayor to represent the city on such occasion.

Sec. 35A.12.110 *Council Meetings.* The city council and mayor shall meet regularly, at least once a month, at a place within the corporate limits of the city at such times as may be fixed by ordinance or resolution. Special meetings may be called by the mayor or any three members of the council by written notice delivered to each member of the council at least twelve hours before the time specified for

the proposed meeting. All council meetings shall be open to the public except that the council may hold executive sessions from which the public is excluded for purposes other than the final adoption of an ordinance, resolution, rule, regulation, or directive. No ordinance or resolution shall be passed, or contract let or entered into, or bill for the payment of money allowed at any meeting not open to the public, nor at any public meeting the date of which is not fixed by ordinance, resolution, or rule, unless public notice of such meeting has been given by such notice to the local press, radio, and television, as will be reasonably calculated to inform inhabitants of the city of the meeting. Meetings of the council shall be presided over by the mayor, if present, or the mayor pro tempore, or deputy mayor if one has been appointed, or by a member of the council selected by a majority of the council members at such meeting. Appointment of a council member to preside over the meeting shall not in any way abridge his right to vote on matters coming before the council at such meeting. In the absence of the clerk, a deputy clerk or other qualified person appointed by the clerk, the mayor, or the council, may perform the duties of clerk at such meeting. A journal of all proceedings shall be kept, which shall be a public record.

Mayor-council  
plan of gov-  
ernment.

Sec. 35A.12.120 *Council—Quorum—Rules—Voting.* At all meetings of the council a majority of the councilmen shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The council shall determine its own rules and order of business, and may establish rules for the conduct of council meetings and the maintenance of order. At the desire of any member, any

Optional  
Municipal  
Code.

question shall be voted upon by roll call and the ayes and nays shall be recorded in the journal.

Mayor-council  
plan of gov-  
ernment.

The passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money shall require the affirmative vote of at least a majority of the whole membership of the council.

Sec. 35A.12.130 *Ordinances—Style—Requisites—Veto.* The enacting clause of all ordinances shall be as follows: "The city council of the city of ..... do ordain as follows:" No ordinance shall contain more than one subject and that must be clearly expressed in its title.

No ordinance or any section or subsection thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full length.

No ordinance shall take effect until five days after the date of its publication unless otherwise provided by statute or charter, except that an ordinance passed by a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption, but such ordinance may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money.

Every ordinance which passes the council in order to become valid must be presented to the mayor; if he approves it, he shall sign it, but if not, he shall return it with his written objections to the council and the council shall cause his objections to be entered at large upon the journal and proceed to a reconsideration thereof. If upon reconsideration a majority plus one of the whole membership, voting upon a call of ayes and nays, favor its passage, the ordinance shall become valid notwithstanding the

mayor's veto. If the mayor fails for ten days to either approve or veto an ordinance, it shall become valid without his approval. Ordinances shall be signed by the mayor and attested by the clerk.

Mayor-council  
plan of gov-  
ernment.

Sec. 35A.12.140 *Adoption of Codes by Reference.* Ordinances may by reference adopt Washington state statutes and state, county, or city codes, regulations, or ordinances or any standard code of technical regulations, or portions thereof, including, for illustrative purposes but not limited to, fire codes and codes or ordinances relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health and sanitation, the slaughtering, processing and selling of meats and meat products for human consumption, the production, pasteurizing and sale of milk and milk products, or other subjects, together with amendments thereof or additions thereto, on the subject of the ordinance. Such Washington state statutes or codes or other codes or compilations so adopted need not be published in a newspaper as provided in section 35A.12.160, but the adopting ordinance shall be so published and a copy of any such adopted statute, ordinance or code, or portion thereof, with amendments or additions, if any, in the form in which it was adopted, shall be authenticated and recorded by the clerk along with the adopting ordinance. Not less than three copies of such statute, code or compilation with amendments or additions, if any, in the form in which it was adopted, shall be filed in the office of the city clerk for use and examination by the public. While any such statute, code or compilation is under consideration by the council prior to adoption, not less than three copies thereof shall be filed in the office of the city clerk for examination by the public.

Sec. 35A.12.150 *Ordinances—Authentication and Recording.* The city clerk shall authenticate by his

Optional  
Municipal  
Code.

Mayor-council  
plan of gov-  
ernment.

signature and record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the council. Such book, or copies of ordinances and resolutions, shall be available for inspection by the public at reasonable times and under reasonable conditions.

Sec. 35A.12.160 *Publication of Ordinances.* Promptly after adoption, every ordinance shall be published, verbatim, at least once in a newspaper printed and published within the city, such publication to be made in the city's official newspaper if there is one. If there is no official newspaper or other newspaper printed and published within the city, then publication shall be made by printing and posting the ordinance in at least three public places in the city designated by ordinance as the official posting places for city notices.

Sec. 35A.12.170 *Audit and Allowance of Demands against City.* All demands against a code city shall be presented and audited in accordance with such regulations as may be prescribed by charter or ordinance; and upon the allowance of a demand, the clerk shall draw a warrant upon the treasurer for it, which warrant shall be countersigned by the mayor, or such person as he may designate, and shall specify the fund from which it is to be paid; or, payment may be made by a bank check when authorized by the legislative body of the code city under authority granted by section 35A.40.020, which check shall bear the signatures of the officers designated by the legislative body as required signatories of checks of such city, and shall specify the fund from which it is to be paid.

Sec. 35A.12.180 *Optional Division of City into Wards.* At any time not within three months previous to a municipal general election the council of a

noncharter code city organized under this chapter may divide the city into wards or change the boundaries of existing wards. No change in the boundaries of wards shall affect the term of any councilman, but he shall serve out his term in the ward of his residence at the time of his election: *Provided*, That if this results in one ward being represented by more councilmen than the number to which it is entitled those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy. The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable. When the city has been divided into wards no person shall be eligible to the office of councilman unless he resides in the ward for which he is elected on the date of his election, and removal of his residence from the ward for which he was elected renders his office vacant.

Mayor-council  
plan of gov-  
ernment.

Sec. 35A.12.190 *Powers of Council*. The council of any code city organized under the mayor-council plan of government provided in this chapter shall have the powers and authority granted to the legislative bodies of cities governed by this title, as more particularly described in chapter 35A.11.

### Chapter 35A.13

#### COUNCIL-MANAGER PLAN OF GOVERNMENT

Sec. 35A.13.010 *City Officers—Size of Council*. The councilmen shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective police judge. The council shall appoint an officer whose title shall be “city manager” who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city. The

Council-  
manager plan  
of government.



Optional  
Municipal  
Code.

Council-  
manager plan  
of government.

council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state census board. A charter adopted under the provisions of this title, incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of councilmen not exceeding eleven.

Sec. 35A.13.020 *Election of Councilmen—Eligibility—Terms—Vacancies—Forfeiture of Office.* In council-manager code cities, eligibility for election to the council, the manner of electing councilmen, the numbering of council positions, the terms of councilmen, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro tempore or deputy mayor or councilman pro tempore shall be governed by the corresponding provisions of sections 35A.12.030, 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a code city organized under the mayor-council plan.

Sec. 35A.13.030 *Mayor—Election by Council—Duties—Mayor Pro Tempore.* Biennially at the first meeting of the new council the members thereof shall choose a chairman from among their number who shall have the title of mayor and shall preside at meetings of the council. In addition to the powers conferred upon him as mayor, he shall continue to have all the rights, privileges, and immunities of a member of the council. The mayor shall be recognized as the head of the city for ceremonial purposes and by the governor for purposes of military law. He shall have no regular administrative duties, but in time of public danger or emergency, if so

authorized by ordinance, shall take command of the police, maintain law, and enforce order.

Council-  
manager plan  
of government.

Sec. 35A.13.040 *Compensation of Councilmen—Expenses.* The salaries of the councilmen, including the mayor, shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not become effective until the expiration of the term then being served by the incumbent.

Until councilmen of a newly-organized council-manager code city may lawfully be paid as provided by salary ordinance, such councilmen shall be entitled to compensation in the same manner and in the same amount as councilmen of such city prior to the adoption of this council-manager plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, the first councilmen shall be entitled to compensation as follows: In cities having less than five thousand inhabitants — twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants — a salary of one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants — a salary of four hundred dollars per calendar month. A councilman who is occupying the position of mayor, in addition to his salary as a councilman, shall be entitled, while serving as mayor, to an additional amount per calendar month, or portion thereof, equal to twenty-five percent of the councilmanic salary: *Provided*, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers. Councilmen shall receive

Optional  
Municipal  
Code.

Council-  
manager plan  
of government.

reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

Sec. 35A.13.050 *City Manager—Qualifications.* The city manager need not be a resident at the time of his appointment, but shall reside in the code city after his appointment unless such residence is waived by the council. He shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office. No person elected to membership on the council shall be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he was elected.

Sec. 35A.13.060 *City Manager May Serve Two or More Cities.* Whether the city manager shall devote his full time to the affairs of one code city shall be determined by the council. A city manager may serve two or more cities in that capacity at the same time.

Sec. 35A.13.070 *City Manager—Bond and Oath.* Before entering upon the duties of his office the city manager shall take an oath or affirmation for the faithful performance of his duties and shall execute and file with the clerk of the council a bond in favor of the code city in such sum as may be fixed by the council. The premium on such bond shall be paid by the city.

Sec. 35A.13.080 *City Manager—Powers and Duties.* The powers and duties of the city manager shall be:

(1) To have general supervision over the administrative affairs of the code city;

Council-  
manager plan  
of government.

(2) To appoint and remove at any time all department heads, officers, and employees of the code city, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: *Provided*, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of a city planning commission, and other advisory citizens' committees, commissions, and boards advisory to the city council: *Provided further*, That if the police judge or municipal judge of the code city is appointed, such appointment shall be made by the city manager subject to confirmation by the council, for a four year term. The police judge or municipal judge may be removed only on conviction of malfeasance or misconduct in office, or because of physical or mental disability rendering him incapable of performing the duties of his office. The council may cause an audit to be made of any department or office of the code city government and may select the persons to make it, without the advice or consent of the city manager;

(3) To attend all meetings of the council at which his attendance may be required by that body;

(4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;

(5) To recommend for adoption by the council such measures as he may deem necessary or expedient;

(6) To prepare and submit to the council such reports as may be required by that body or as he may deem it advisable to submit;

(7) To keep the council fully advised of the financial condition of the code city and its future needs;

Optional  
Municipal  
Code.

(8) To prepare and submit to the council a proposed budget for the fiscal year, as required by chapter 35A.33, and to be responsible for its administration upon adoption;

Council-  
manager plan  
of government.

(9) To perform such other duties as the council may determine by ordinance or resolution.

Sec. 35A.13.090 *Creation of Departments, Offices, and Employment—Compensation.* On recommendation of the city manager or upon its own action, the council may create such departments, offices, and employments as it may find necessary or advisable and may determine the powers and duties of each department or office. Compensation of appointive officers and employees may be fixed by ordinance after recommendations are made by the city manager. The appointive officers shall include a city clerk and a chief of police or other law enforcement officer. Pursuant to recommendation of the city manager, the council shall make provision for obtaining legal counsel for the city, either by appointment of a city attorney on a full-time or part-time basis, or by any reasonable contractual arrangement for such professional services.

Sec. 35A.13.100 *City Manager — Department Heads—Authority.* The city manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the city manager, or by the head of a department or office, except one who holds his position subject to civil service, may be removed by the manager or other such appointing officer at any time subject to any applicable law, rule, or regulation relating to civil service. Subject to the provisions of section 35A.13.080 and any applicable civil service provisions, the decision of the manager or other appointing officer, shall be final and there

shall be no appeal therefrom to any other office, body, or court whatsoever.

Council-  
manager plan  
of government.

Sec. 35A.13.110 *City Manager—Appointment of Subordinates—Qualifications—Terms.* Appointments made by or under the authority of the city manager shall be on the basis of ability and training or experience of the appointees in the duties which they are to perform, and shall be in compliance with provisions of any merit system applicable to such city. Residence within the code city shall not be a requirement. All such appointments shall be without definite term.

Sec. 35A.13.120 *City Manager—Interference by Council Members.* Neither the council, nor any of its committees or members, shall direct the appointment of any person to, or his removal from, office by the city manager or any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately. The provisions of this section do not prohibit the council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.

Sec. 35A.13.130 *City Manager—Removal—Resolution and Notice.* The city manager shall be appointed for an indefinite term and may be removed by a majority vote of the council. At least thirty days before the effective date of his removal, the city manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the city council stating the council's intention to remove him and the reasons therefor. Upon passage of the resolution stating the coun-

Optional  
Municipal  
Code.

cil's intention to remove the manager, the council by a similar vote may suspend him from duty, but his pay shall continue until his removal becomes effective.

Council-  
manager plan  
of government.

Sec. 35A.13.140 *City Manager—Removal—Reply and Hearing.* The city manager may, within thirty days from the date of service upon him of a copy thereof, reply in writing to the resolution stating the council's intention to remove him. In the event no reply is timely filed, the resolution shall upon the thirty-first day from the date of such service, constitute the final resolution removing the manager and his services shall terminate upon that day. If a reply shall be timely filed with the city clerk, the council shall fix a time for a public hearing upon the question of the manager's removal and a final resolution removing the manager shall not be adopted until a public hearing has been had. The action of the council in removing the manager shall be final.

Sec. 35A.13.150 *City Manager—Substitute.* The council may designate a qualified administrative officer of the city or town to perform the duties of manager:

(1) Upon the adoption of the council-manager plan, pending the selection and appointment of a manager; or

(2) Upon the termination of the services of a manager, pending the selection and appointment of a new manager; or

(3) During the absence, disability, or suspension of the manager.

Sec. 35A.13.160 *Oath and Bond of Officers.* All provisions of section 35A.12.080 relating to oaths and bonds of officers, shall be applicable to code cities organized under this council-manager plan.

Sec. 35A.13.170 *Council Meetings—Quorum—Rules—Voting.* All provisions of sections 35A.12.110

and 35A.12.120, relating to council meetings, a quorum for transaction of business, rules and voting at council meetings, shall be applicable to code cities organized under this council-manager plan.

Council-  
manager plan  
of government.

Sec. 35A.13.180 *Adoption of Codes by Reference.* Ordinances of cities organized under this chapter may adopt codes by reference as provided in section 35A.12.140.

Sec. 35A.13.190 *Ordinances—Style—Requisites—Veto.* The enacting clause of all ordinances shall be as follows: “The city council of the city of ..... do ordain as follows:” No ordinance shall contain more than one subject and that must be clearly expressed in its title.

No ordinance or any section or subsection thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full length.

No ordinance shall take effect until five days after the date of its publication unless otherwise provided by statute or charter, except that an ordinance passed by a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption, but such ordinance may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money.

Sec. 35A.13.200 *Authentication, Recording and Publication of Ordinances.* Ordinances of code cities organized under this chapter shall be authenticated, recorded and published as provided in sections 35A.12.150 and 35A.12.160.

Sec. 35A.13.210 *Audit and Allowance of Demands against City.* Section 35A.12.170 shall apply



Optional  
Municipal  
Code.

to the audit and allowance of demands against the city.

Council-  
manager plan  
of government.

Sec. 35A.13.220 *Optional Division of City into Wards.* A code city organized under this chapter may be divided into wards as provided in section 35A.12.180.

Sec. 35A.12.230 *Powers of Council.* The council of any code city organized under the council-manager plan provided in this chapter shall have the powers and authority granted to legislative bodies of cities governed by this title as more particularly described in chapter 35A.11, except insofar as such power and authority is vested in the city manager.

Chapter 35A.14  
ANNEXATION BY CODE CITIES

Annexation by  
code cities.

Sec. 35A.14.010 *Authority for Annexation—Consent of County Commissioners for Certain Property.* Any portion of a county not incorporated as part of a city or town but lying contiguous to a code city may become a part of the charter code city or noncharter code city by annexation: *Provided,* That property owned by a county, and used for the purpose of an agricultural fair as provided in chapter 15.76 RCW or chapter 36.37 RCW shall not be subject to annexation without the consent of the majority of the board of county commissioners. An area proposed to be annexed to a charter code city or noncharter code city shall be deemed contiguous thereto even though separated by water or tide or shore lands and, upon annexation of such area, any such intervening water and/or tide or shore lands shall become a part of such annexing city.

Sec. 35A.14.015 *Election Method — Resolution for Election—Contents of Resolution.* When the legislative body of a charter code city or noncharter code city shall determine that the best interests and

general welfare of such city would be served by the annexation of unincorporated territory contiguous to such city, such legislative body may, by resolution, call for an election to be held to submit to the voters of such territory the proposal for annexation. The resolution shall describe the boundaries of the area to be annexed, state the number of voters residing therein as nearly as may be, and shall provide that said city will pay the cost of the annexation election. The resolution may require that there also be submitted to the electorate of the territory sought to be annexed a proposition that all property within the area annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed to pay for any then outstanding indebtedness of the city to which said area is annexed, contracted prior to, or existing at, the date of annexation. Whenever such city has prepared and filed a proposed zoning regulation for the area to be annexed as provided for in sections 35A.14.330 and 35A.14.340, the resolution initiating the election may also provide for the simultaneous adoption of the proposed zoning regulation upon approval of annexation by the electorate of the area to be annexed. A certified copy of the resolution shall be filed with the board of county commissioners of the county in which said territory is located. A certified copy of the resolution shall be filed with the boundary review board as provided for in chapter [189], Laws of 1967 (Substitute House Bill No. 37) or the county annexation review board established by section 35A.14.200, unless such annexation proposal is within the provisions of section 35A.14.280.

Annexation by  
code cities.

Sec. 35A.14.020 *Election Method—Petition for Election—Contents of Petition—Filing and Approval—Costs.* When a petition which is sufficient under the rules set forth in section 35A.01.040 is filed with

Optional  
Municipal  
Code.

Annexation by  
code cities.

the legislative body of a code city, calling for an election to vote upon the annexation of unincorporated territory contiguous to such city, describing the boundaries of the area proposed to be annexed, stating the number of voters therein as nearly as may be, and signed by qualified electors resident in such territory equal in number to ten percent of the votes cast at the last state general election therein, the city clerk shall file with the legislative body thereof a certificate of sufficiency of the petition. Within sixty days thereafter, the legislative body shall, by resolution, notify the petitioners, either by mail or by publication in the same manner notice of hearing is required by section 35A.14.040 to be published, of its approval or rejection of the proposed action. In approving the proposed action, the legislative body may require that there also be submitted to the electorate of the territory to be annexed, a proposition that all property within the area to be annexed shall, upon annexation be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed to pay for any then outstanding indebtedness of the city to which said area is annexed, contracted prior to, or existing at, the date of annexation. Whenever the legislative body has prepared and filed a proposed zoning regulation for the area to be annexed as provided for in sections 35A.14.330 and 35A.14.340, the legislative body in approving the proposed action, may require that the proposed zoning regulation be simultaneously adopted upon the approval of annexation by the electorate of the area to be annexed. The approval of the legislative body shall be a condition precedent to further proceedings upon the petition. The costs of conducting the election called for in the petition shall be a charge against the city concerned.

Sec. 35A.14.030 *Filing of Petition As Approved by City.* Upon approval of the petition for election by the legislative body of the code city to which such territory is proposed to be annexed, the petition shall be filed with the board of county commissioners for the county in which such territory is located, along with a statement, in the form required by the city, of the provisions, if any there be, relating to assumption of debt by the owners of property of the area proposed to be annexed, and/or the simultaneous adoption of a proposed zoning regulation for the area. A copy of the petition and the statement, if any, shall also be filed with the boundary review board as provided for in chapter [189], Laws of 1967 (Substitute House Bill No. 37) or the county annexation review board established by section 35A.14.200, unless such proposed annexation is within the provisions of section 35A.14.280.

Annexation by  
code cities.

Sec. 35A.14.040 *Election Method—Hearing by Review Board—Notice.* Within ten days after receipt of a petition or resolution calling for an election on the question of annexation, the county annexation review board shall meet and, if the proposed annexation complies with the requirements of law, shall fix a date for a hearing thereon, to be held not less than fifteen days nor more than thirty days thereafter, of which hearing the city must give notice by publication at least once a week for two weeks prior thereto in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the area proposed to be annexed. The hearing shall be held within the city to which the territory is proposed to be annexed, at a time and place to be designated by the board. Upon the day fixed, the board shall conduct a hearing upon the petition or resolution, at which hearing a representative of the city shall make a brief presentation to the board in

Optional  
Municipal  
Code.

Annexation by  
code cities.

explanation of the annexation and the benefits to be derived therefrom, and the petitioners and any resident of the city or the area proposed to be annexed shall be afforded a reasonable opportunity to be heard. The hearing may be adjourned from time to time in the board's discretion, not to exceed thirty days in all from the commencement of the hearing.

Sec. 35A.14.050 *Decision of the Annexation Review Board—Filing—Date for Election.* After consideration of the proposed annexation as provided in section 35A.14.260, the annexation review board, within thirty days after the final day of hearing, shall take one of the following actions:

(1) Approval of the proposal as submitted.

(2) Modification of the proposal by adjusting boundaries to include or exclude territory; except that any such inclusion of territory shall not increase the total area of territory proposed for annexation by an amount exceeding the original proposal by more than five percent: *Provided*, That the board shall not adjust boundaries to include territory not included in the original proposal without first affording to residents and property owners of the area affected by such adjustment of boundaries an opportunity to be heard as to the proposal.

(3) Disapproval of the proposal.

The written decision of the annexation review board shall be filed with the board of county commissioners and with the legislative body of the city concerned. If the annexation proposal is modified by the board, such modification shall be fully set forth in the written decision. If the decision of the boundary review board or the county annexation review board is favorable to the annexation proposal, or the proposal as modified by the review board, the board of county commissioners, at its next regular meeting if to be held within thirty days after receipt of the decision of the boundary

review board or the county annexation review board, or at a special meeting to be held within that period, shall set a date for submission of such annexation proposal, with any modifications made by the review board, to the voters of the territory proposed to be annexed. The question shall be submitted at a general election if one is to be held within ninety days, or at a special election called for that purpose not less than forty-five days nor more than ninety days after the filing of the decision of the review board with the board of county commissioners. If the boundary review board or the county annexation review board disapproves the annexation proposal, no further action shall be taken thereon, and no proposal for annexation of the same territory, or substantially the same as determined by the board, shall be initiated or considered for twelve months thereafter.

Annexation by  
code cities.

Sec. 35A.14.060 *Election Method—Conduct of Election.* An annexation election shall be held in accordance with chapter 35A.29 of this title and only registered voters who have resided in the area proposed to be annexed for ninety days immediately preceding the election shall be allowed to vote therein.

Sec. 35A.14.070 *Election Method—Notice of Election.* Notice of an annexation election shall particularly describe the boundaries of the area proposed to be annexed, as the same may have been modified by the boundary review board or the county annexation review board, state the objects of the election as prayed in the petition or as stated in the resolution and require the voters to cast ballots which shall contain the words "For Annexation" or "Against Annexation" or words equivalent thereto, or contain the words "For Annexation and Adoption of Proposed Zoning Regulation", and "Against

Optional  
Municipal  
Code.

Annexation by  
code cities.

Annexation and Adoption of Proposed Zoning Regulation”, or words equivalent thereto in case the simultaneous adoption of a proposed zoning regulation is proposed, and in case the assumption of indebtedness is proposed, shall contain as a separate proposition, the words “For assumption of indebtedness” and “Against assumption of indebtedness” or words equivalent thereto. The notice shall be posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed and published at least once a week for two weeks prior to the date of election in a newspaper of general circulation within the limits of the territory proposed to be annexed. Such notice shall be in addition to the notice required by section 35A.29.140.

Sec. 35A.14.080 *Election Method—Vote Required for Annexation—Proposition for Assumption of Indebtedness—Certification.* On the Monday next succeeding the annexation election, the county canvassing board shall proceed to canvass the returns thereof and shall submit the statement of canvass to the board of county commissioners.

The proposition for or against annexation or for or against annexation and adoption of the proposed zoning regulation, as the case may be, shall be deemed approved if a majority of the votes cast on that proposition are cast in favor of annexation or in favor of annexation and adoption of the proposed zoning regulation, as the case may be. If a proposition for or against assumption of indebtedness was submitted to the electorate, it shall be deemed approved if a majority of at least three-fifths of the electors of the territory proposed to be annexed voting on such proposition vote in favor thereof, and the number of persons voting on such proposition constitutes not less than forty percent of the total number of votes cast in such territory at the last

preceding general election. If either or both propositions were approved by the electors, the board of county commissioners shall enter a finding to that effect on its minutes, a certified copy of which shall be forthwith transmitted to and filed with the clerk of the city to which annexation is proposed, together with a certified abstract of the vote showing the whole number who voted at the election, the number of votes cast for annexation and the number cast against annexation or for annexation and adoption of the proposed zoning regulation and the number cast against annexation and adoption of the proposed zoning regulation, as the case may be, and if a proposition for assumption of indebtedness was submitted to the electorate, the abstract shall include the number of votes cast for assumption of indebtedness and the number of votes cast against assumption of indebtedness, together with a statement of the total number of votes cast in such territory at the last preceding general election.

Annexation by  
code cities.

Sec. 35A.14.090 *Election Method — Ordinance Providing for Annexation, Assumption of Indebtedness.* Upon filing of the certified copy of the finding of the board of county commissioners, the clerk shall transmit it to the legislative body of the city at the next regular meeting or as soon thereafter as practicable. If only a proposition relating to annexation or to annexation and adoption of a proposed zoning regulation was submitted to the voters and such proposition was approved, the legislative body shall adopt an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of a proposed zoning regulation, as the case may be. If a proposition for annexation or for annexation and adoption of a proposed zoning regulation, and a proposition for assumption of indebtedness were both submitted, and both were approved, the legislative body shall adopt an or-



Optional  
Municipal  
Code.

Annexation by  
code cities.

dinance providing for the annexation or for annexation and adoption of the proposed zoning regulation, including the assumption of indebtedness. If both propositions were submitted and only the annexation or the annexation and adoption of the proposed zoning regulation was approved, the legislative body may adopt an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of the proposed zoning regulation, as the case may be, or the legislative body may refuse to annex when a proposal for assumption of indebtedness has been disapproved by the voters.

Sec. 35A.14.100 *Election Method — Effective Date of Annexation.* Upon the date fixed in the ordinance of annexation, the area annexed shall become a part of the city. Upon the date fixed in the ordinances of annexation and adoption of the proposed zoning regulation, the area annexed shall become a part of the city, and property in the annexed area shall be subject to the proposed zoning regulation, as prepared and filed as provided for in sections 35A.14.330 and 35A.14.340. All property within the territory hereafter annexed shall, if the proposition approved by the people so provides be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed to pay for any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at, the date of annexation.

Sec. 35A.14.110 *Election Method Is Alternative.* The method of annexation provided for in sections 35A.14.015 through 35A.14.100 is an alternative method and is additional to the other methods provided for in this chapter.

Sec. 35A.14.120 *Direct Petition Method—Notice to Legislative Body — Meeting — Assumption of*

*Indebtedness—Proposed Zoning Regulation.* Proceedings for initiating annexation of unincorporated territory to a charter code city or noncharter code city may be commenced by the filing of a petition of property owners of the territory proposed to be annexed, in the following manner. This method of annexation shall be alternative to other methods provided in this chapter. Prior to the circulation of a petition for annexation, the initiating party or parties, who shall be the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is sought, shall notify the legislative body of the code city in writing of their intention to commence annexation proceedings. The legislative body shall set a date, not later than sixty days after the filing of the request, for a meeting with the initiating parties to determine whether the code city will accept the proposed annexation, whether it shall require the simultaneous adoption of a proposed zoning regulation, if such a proposal has been prepared and filed for the area to be annexed as provided for in sections 35A.14.330 and 35A.14.340, and whether it shall require the assumption of existing city indebtedness by the area to be annexed. If the legislative body requires the assumption of indebtedness and/or the adoption of a proposed zoning regulation, it shall record this action in its minutes and the petition for annexation shall be so drawn as to clearly indicate these facts. Approval by the legislative body shall be a condition precedent to circulation of the petition. There shall be no appeal from the decision of the legislative body. A petition for annexation of an area contiguous to a code city may be filed with the legislative body of the municipality to which annexation is desired. It must be signed by the owners, as defined by section 35A.01.040(11) (a) through (d), of not less than

Annexation by  
code cities.

Optional  
Municipal  
Code.

Annexation by  
code cities.

seventy-five percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned. Such petition shall set forth a description of the property according to government legal subdivisions or legal plats and shall be accompanied by a map which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of city indebtedness by the area annexed or the adoption of a proposed zoning regulation, these facts, together with a quotation of the minute entry of such requirement, or requirements, shall also be set forth in the petition.

Sec. 35A.14.130 *Direct Petition Method—Notice of Hearing.* Whenever such a petition for annexation is filed with the legislative body of a code city, which petition meets the requirements herein specified and is sufficient according to the rules set forth in section 35A.01.040, the legislative body may entertain the same, fix a date for a public hearing thereon and cause notice of the hearing to be published in one or more issues of a newspaper of general circulation in the city. The notice shall also be posted in three public places within the territory proposed for annexation, and shall specify the time and place of hearing and invite interested persons to appear and voice approval or disapproval of the annexation.

Sec. 35A.14.140 *Direct Petition Method—Ordinance Providing for Annexation.* Following the hearing, if the legislative body determines to effect the annexation, they shall do so by ordinance. The ordinance may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition. Upon passage of the annexation ordinance a certified copy shall be filed with the board of county commission-

ers of the county in which the annexed property is located. Annexation by  
code cities.

Sec. 35A.14.150 *Direct Petition Method—Effective Date of Annexation.* Upon the date fixed in the ordinance of annexation the area annexed shall become part of the city. All property within the territory hereafter annexed shall, if the annexation petition so provided, be assessed and taxed at the same rate and on the same basis as the property of such annexing code city is assessed and taxed to pay for any then outstanding indebtedness of the city to which said area is annexed, contracted prior to, or existing at, the date of annexation. If the annexation petition so provided, all property in the annexed area shall be subject to and a part of the proposed zoning regulation as prepared and filed as provided for in sections 35A.14.330 and 35A.14.340.

Sec. 35A.14.160 *Annexation Review Board—Composition.* There is hereby established in each county of the state, other than counties having a boundary review board as provided for in chapter [189], Laws of 1967 (Substitute House Bill No. 37), a board to be known as the “annexation review board for the county of ..... (naming the county)”, which shall be charged with the duty of reviewing proposals for annexation of unincorporated territory to charter code cities and noncharter code cities within its respective county; except that proposals within the provisions of section 35A.14.280 shall not be subject to the jurisdiction of such board.

In all counties in which a boundary review board is established pursuant to chapter [189], Laws of 1967 (Substitute House Bill No. 37) review of proposals for annexation of unincorporated territory to charter code cities and noncharter code cities within such counties shall be subject to chapter [189], Laws of 1967 (Substitute House Bill No. 37).

Optional  
Municipal  
Code.

Annexation by  
code cities.

Whenever a first class county with a population over one hundred seventy thousand establishes a boundary review board pursuant to chapter [189], Laws of 1967 (Substitute House Bill No. 37) the provisions of this act relating to annexation review boards shall not be applicable.

Except as provided above in this section, whenever one or more cities of a county shall have elected to be governed by this title by becoming a charter code city or noncharter code city, the governor shall, within forty-five days thereafter, appoint an annexation review board for such county consisting of five members appointed in the following manner:

Two members shall be selected independently by the governor. Three members shall be selected by the governor from the following sources: (1) One member shall be appointed from nominees of the individual members of the board of county commissioners; (2) one member shall be appointed from nominees of the individual mayors of charter code cities within such county; (3) one member shall be appointed from nominees of the individual mayors of noncharter code cities within such county.

Each source shall nominate at least two persons for an available position. In the event there are less than two nominees for any position, the governor may appoint the member for that position independently. If, at the time of appointment, there are within the county no cities of one of the classes named above as a nominating source, a position which would otherwise have been filled by nomination from such source shall be filled by independent appointment of the governor.

In making appointments independently and in making appointments from among nominees, the governor shall strive to appoint persons familiar with municipal government and administration by experience and/or training.

Sec. 35A.14.170 *Time for Filing Nominations—Vacancies.* Upon the initial formation of a county annexation review board the governor shall give written notice of such formation to all the nominating sources designated therein and nominations must be filed with the office of the governor within fifteen days after receipt of such notice. Nominations to fill vacancies caused by expiration of terms must be filed at least thirty days preceding the expiration of the terms. When vacancies occur in the membership of the board, the governor shall solicit nominations from the appropriate source and if none are filed within fifteen days thereafter, the governor shall fill the vacancy by an independent appointment.

Annexation by  
code cities.

Sec. 35A.14.180 *Terms of Members.* The members of the annexation review board shall be appointed for five year terms. Upon the initial formation of a board, one member appointed by the governor independently shall be appointed for a four year term, the member appointed from among nominees of the board of county commissioners shall be appointed for a three year term, the member appointed from among nominees of the mayors of noncharter code cities shall be appointed for a three year term, and the remaining members shall be appointed for five year terms. Thereafter board members shall be appointed for five year terms as the terms of their predecessors expire. Members shall be eligible for reappointment to the board for successive terms.

Sec. 35A.14.190 *Organization of Annexation Review Board—Rules—Journal—Authority.* The members of each annexation review board shall elect from among the members a chairman and a vice chairman, and may employ a nonmember as chief clerk, who shall be the secretary of the board. The

Optional  
Municipal  
Code.

Annexation by  
code cities.

board shall determine its own rules and order of business, shall provide by resolution for the time and manner of holding regular or special meetings, and shall keep a journal of its proceedings which shall be a public record. A majority of all the members shall constitute a quorum for the transaction of business.

The chief clerk of the board, the chairman, or the vice chairman shall have the power to administer oaths and affirmations, certify to all official acts, issue subpoenas to any public officer or employee ordering him to testify before the board and produce public records, papers, books or documents. The chief clerk, the chairman or the vice chairman may invoke the aid of any court of competent jurisdiction to carry out such powers.

The planning departments of the county, other counties, and any city, and any state or regional planning agency shall furnish such information to the board at its request as may be reasonably necessary for the performance of its duties.

At the request of the board, the state attorney general shall provide counsel for the board.

Sec. 35A.14.200 *Determination by Review Board—Factors Considered—Filing of Findings and Decision.* The jurisdiction of the annexation review board shall be invoked upon the filing with the board of a resolution for an annexation election as provided in section 35A.14.015, or of a petition for an annexation election as provided in section 35A.14.030, and the board shall proceed to hold a hearing, upon notice, all as provided in section 35A.14.040. A verbatim record shall be made of all testimony presented at the hearing and upon request and payment of the reasonable costs thereof, a copy of the transcript of such testimony shall be provided to any person or governmental unit. The board shall make and file its decision, all as pro-

vided in section 35A.14.050, insofar as said section is applicable to the matter before the board. Dissenting members of the board shall have the right to have their written dissents included as part of the decision. In reaching a decision on an annexation proposal, the annexation review board shall consider the factors affecting such proposal, which shall include but not be limited to the following:

Annexation by  
code cities.

(1) The immediate and prospective population of the area proposed to be annexed, the configuration of the area, land use and land uses, comprehensive use plans and zoning, per capita assessed valuation, topography, natural boundaries and drainage basins, the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years, location and coordination of community facilities and services; and

(2) The need for municipal services and the available municipal services, effect of ordinances and governmental codes, regulations and resolutions on existing uses, present cost and adequacy of governmental services and controls, the probable future needs for such services and controls, the probable effect of the annexation proposal or alternatives on cost and adequacy of services and controls in area and adjacent area, the effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units; and

(3) The effect of the annexation proposal or alternatives on adjacent areas, on mutual economic and social interests, and on the local governmental structure of the county.

The board shall determine whether the proposed annexation would be in the public interest and for the public welfare. The decision of the board shall be accompanied by the findings of the board. Such findings need not include specific data on all the



Optional  
Municipal  
Code.

factors listed in this section, but shall indicate that all such factors were considered.

Annexation by  
code cities.

Sec. 35A.14.210 *Court Review of Decisions of the Annexation Review Board.* Decisions of the annexation review board shall be final unless within ten days from the date of said action a governmental unit affected by the decision or any person owning real property in or residing in the area proposed to be annexed files in the superior court a notice of appeal. The filing of such notice of appeal within such time limit shall stay the effective date of the decision of the board until such time as the appeal shall have been adjudicated or withdrawn. On appeal the superior court shall not take any evidence other than that contained in the record of the hearing before the board. The superior court may affirm the decision of the annexation review board or remand the case for further proceedings; or the court may reverse the decision and remand if it finds that substantial rights have been prejudiced because the findings, conclusions, or decision of the board are:

- (1) In violation of constitutional provisions; or
- (2) In excess of the statutory authority or jurisdiction of the board; or
- (3) Made upon unlawful procedure; or
- (4) Affected by other error of law; or
- (5) Unsupported by material and substantial evidence in view of the entire record as submitted; or
- (6) Arbitrary or capricious.

Sec. 35A.14.220. *When Review Procedure May Be Dispensed With.* Annexations under the provisions of sections 35A.14.295, 35A.14.297, 35A.14.300, and 35A.14.310 shall not be subject to review by the annexation review board: *Provided,* That in class AA, class A and first class counties in which a boundary review board is established under

chapter [189], Laws of 1967 (Substitute House Bill No. 37) all annexations shall be subject to review except as provided for in section 11 of chapter [189], Laws of 1967 (Substitute House Bill No. 37). When the area proposed for annexation in a petition or resolution, initiated and filed under any of the methods of initiating annexation authorized by this chapter, is less than fifty acres or less than five hundred thousand dollars in assessed valuation, review procedures shall not be required as to such annexation proposal, except as provided in chapter [189], Laws of 1967 (Substitute House Bill No. 37) in those counties with a review board established pursuant to chapter [189], Laws of 1967 (Substitute House Bill No. 37): *Provided*, That when an annexation proposal is initiated by the direct petition method authorized by section 35A.14.120, review procedures shall not be required without regard to acreage or assessed valuation, except as provided in chapter [189], Laws of 1967 (Substitute House Bill No. 37) in those counties with a boundary review board established pursuant to chapter [189], Laws of 1967 (Substitute House Bill No. 37).

Annexation by  
code cities.

Sec. 35A.14.230 *Pending Disposition of a Petition or Resolution for Annexation No Other Proposal for Same Area May Be Acted Upon.* After the filing of any petition or resolution for annexation or for an annexation election with the board of county commissioners, the boundary review board or the county annexation review board for the county or the legislative body of a code city and pending its final disposition as provided in this chapter, no other petition or resolution, or petition for incorporation, which embraces any of the territory included therein shall be acted upon by any public official or body that might otherwise be empowered to receive or act upon such a petition or resolution.

Optional  
Municipal  
Code.

Annexation by  
code cities.

Sec. 35A.14.295 *Annexation of Unincorporated Island of Territory within Code City—Resolution—Notice of Hearing.* When there is, within a code city, unincorporated territory containing less than one hundred acres and having at least eighty percent of the boundaries of such area contiguous to the code city, the legislative body may resolve to annex such territory to the code city. The resolution shall describe the boundaries of the area to be annexed, state the number of voters residing therein as nearly as may be, and set a date for a public hearing on such resolution for annexation. Notice of the hearing shall be given by publication of the resolution at least once a week for two weeks prior to the date of the hearing, in one or more newspapers of general circulation within the code city and one or more newspapers of general circulation within the area to be annexed.

Sec. 35A.14.297 *Ordinance Providing for Annexation of Unincorporated Island of Territory—Referendum.* On the date set for hearing as provided in section 35A.14.295, residents or property owners of the area included in the resolution for annexation shall be afforded an opportunity to be heard. The legislative body may provide by ordinance for annexation of the territory described in the resolution, but the effective date of the ordinance shall be not less than forty-five days after the passage thereof. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the area to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a pro-

posed zoning regulation, the notice shall include a statement of such requirements. Such annexation ordinance shall be subject to referendum for forty-five days after the passage thereof. Upon the filing of a timely and sufficient referendum petition as provided in section 35A.14.299 below, a referendum election shall be held as provided in section 35A.14.299, and the annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto. After the expiration of the forty-fifth day from, but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, as provided by section 35A.14.299 below, the area annexed shall become a part of the code city upon the date fixed in the ordinance of annexation.

Annexation by  
code cities.

Sec. 35A.14.299 *Annexation of Unincorporated Island of Territory within Code City—Referendum—Effective Date If No Referendum.* Such annexation ordinance as provided for in section 35A.14.297 shall be subject to referendum for forty-five days after the passage thereof. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general state election in the area to be annexed, the question of annexation shall be submitted to the voters of such area in a general election if one is to be held within ninety days or at a special election called for that purpose not less than forty-five days nor more than ninety days after the filing of the referendum petition. Notice of such election shall be given as provided in section 35A.14.070 and the election shall be conducted as provided in section 35A.14.060. The annexation shall be deemed approved by the voters unless a majority of the

Optional  
Municipal  
Code.

votes cast on the proposition are in opposition thereto.

Annexation by  
code cities.

After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the code city upon the date fixed in the ordinance of annexation. From and after such date, if the ordinance so provided, property in the annexed area shall be subject to the proposed zoning regulation prepared and filed for such area as provided in sections 35A.14.330 and 35A.14.340. If the ordinance so provided, all property within the area annexed shall be assessed and taxed at the same rate and on the same basis as the property of such annexing code city is assessed and taxed to pay for any then outstanding indebtedness of such city contracted prior to, or existing at, the date of annexation.

Sec. 35A.14.300 *Annexation for Municipal Purposes.* Legislative bodies of code cities may by a majority vote annex territory outside the limits of such city whether contiguous or noncontiguous for any municipal purpose.

Sec. 35A.14.310 *Annexation of Federal Areas.* Any unincorporated area contiguous to a code city may be annexed thereto by an ordinance accepting a gift, grant, or lease from the government of the United States of the right to occupy, control, improve it or sublet it for commercial, manufacturing, or industrial purposes: *Provided,* That this right of annexation shall not apply to any territory more than four miles from the corporate limits existing before such annexation.

Sec. 35A.14.320 ————*Provisions of Ordinance—Authority over Annexed Territory.* In the ordinance annexing territory pursuant to a gift,

grant, or lease from the government of the United States, a code city may include such tide and shorelands as may be necessary or convenient for the use thereof, and may include in the ordinance an acceptance of the terms and conditions attached to the gift, grant, or lease. A code city may cause territory annexed pursuant to a gift, grant, or lease of the government of the United States to be surveyed, subdivided and platted into lots, blocks, or tracts and lay out, reserve for public use, and improve streets, roads, alleys, slips, and other public places. It may grant or sublet any lot, block, or tract therein for commercial, manufacturing, or industrial purposes and reserve, receive and collect rents therefrom. It may expend the rents received therefrom in making and maintaining public improvements therein, and if any surplus remains at the end of any fiscal year, may transfer it to the city's current expense fund.

Annexation by  
code cities.

Sec. 35A.14.330 *Proposed Zoning Regulation—Purposes of Regulations and Restrictions.* The legislative body of any code city acting through a planning agency created pursuant to chapter 35A.63, or pursuant to its granted powers, may prepare a proposed zoning regulation to become effective upon the annexation of any area which might reasonably be expected to be annexed by the code city at any future time. Such proposed zoning regulation, to the extent deemed reasonably necessary by the legislative body to be in the interest of health, safety, morals and the general welfare may provide, among other things, for:

(1) The regulation and restriction within the area to be annexed of the location and the use of buildings, structures and land for residence, trade, industrial and other purposes; the height, number of stories, size, construction and design of buildings and other structures; the size of yards, courts and other open spaces on the lot or tract; the density of popula-

Optional  
Municipal  
Code.

tion; the set-back of buildings and structures along highways, parks or public water frontages; and the subdivision and development of land;

Annexation by  
code cities.

(2) The division of the area to be annexed into districts or zones of any size or shape, and within such districts or zones regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land;

(3) The appointment of a board of adjustment, to make, in appropriate cases and subject to appropriate conditions and safeguards established by ordinance, special exceptions in harmony with the general purposes and intent of the proposed zoning regulation; and

(4) The time interval following an annexation during which the ordinance or resolution adopting any such proposed regulation, or any part thereof, must remain in effect before it may be amended, supplemented or modified by subsequent ordinance or resolution adopted by the annexing city or town.

All such regulations and restrictions shall be designed, among other things, to encourage the most appropriate use of land throughout the area to be annexed; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements.

Sec. 35A.14.340 *Notice and Hearing—Filings and Recordings.* The legislative body of the code

city shall hold two or more public hearings, to be held at least thirty days apart, upon the proposed zoning regulation, giving notice of the time and place thereof by publication in a newspaper of general circulation in the annexing city and the area to be annexed. A copy of the ordinance or resolution adopting or embodying such proposed zoning regulation or any part thereof or any amendment thereto, duly certified as a true copy by the clerk of the annexing city, shall be filed with the county auditor. A like certified copy of any map or plat referred to or adopted by the ordinance or resolution shall likewise be filed with the county auditor. The auditor shall record the ordinance or resolution and keep on file the map or plat.

Annexation by  
code cities.

Sec. 35A.14.350 *Annexation of Water, Sewer, and Fire Districts—Disposition of Properties—Outstanding Indebtedness.* Whenever any territory which includes all the territory of a water, sewer or fire protection district, hereinafter referred to as “the district”, has been heretofore or is hereafter annexed to a code city, all real and personal property, franchises, rights, assets, taxes levied but not collected for the district for other than indebtedness, water or sewer lines, facilities, or equipment of the district shall become the property of a code city to which annexation is made and such city shall, in addition to its other powers, have the same power to manage, control, maintain and operate such facilities and to fix and collect charges to customers as the commissioners of the district had prior to annexation, subject, however, to any outstanding indebtedness, bonded or otherwise, of the district or local improvement district or utility local improvement district thereof, which indebtedness a code city may by resolution of its legislative body elect to assume and pay at the times and in the manner said indebtedness is due and payable. Such election to



Optional  
Municipal  
Code.

Annexation by  
code cities.

assume said indebtedness may be made either upon the effective date of such annexation or at any time thereafter during the period such indebtedness remains outstanding. Until such election is made, the property annexed and the owners and occupants thereof shall continue liable for its and their proportion of the unpaid indebtedness and the district, or local improvement district or utility local improvement district, and its officers shall continue to function for the sole purpose of certifying the amount of property tax or assessments to be collected and paid on such indebtedness in the same manner and by the same means as if the annexation had not been made.

If a code city elects to assume outstanding indebtedness, and property taxes or assessments have been levied for such purpose but not collected for the district or local improvement district or utility local improvement district thereof prior to the date of such election by the code city, the same shall when collected belong and be paid to the annexing code city and be used by such city so far as necessary for payment as and when due of the indebtedness of the district or local improvement district or utility local improvement district existing and unpaid on the date such city elects to assume such indebtedness. If a code city takes over any funds which have been collected for paying any bonded or other indebtedness of the district the same shall be used for the purpose for which collected and for no other purpose.

Sec. 35A.14.360 *Assumption of Control of Entire or Part of Water or Sewer District if Sixty Percent or More of Area or Valuation Is Annexed or Lies within Code City—Acquisition Subject to Obligations.* If a portion of a water or sewer district equal to at least sixty percent of the area or sixty percent of the assessed valuation of the real property in-

cluded within the district is annexed to or lies within a code city, the city may: Annexation by code cities.

(1) Adopt an ordinance assuming the full and complete management and control of the entire district, whereupon the provisions of section 35A.14.350 shall be operative as to such annexation; or

(2) Adopt an ordinance assuming jurisdiction of the district's responsibilities, property, facilities and equipment within the area annexed: *Provided*, That if the annexed area contains any property, facilities or equipment which, on the date of annexation, were serving any portion of the district not annexed, the code city shall assume full ownership, management and control of such property, facilities and equipment subject to any one of the following conditions acceptable to the district and the code city concerned:

(a) The code city shall, for the economic life of such property, facilities and equipment, make such property, facilities and equipment, or the equivalent, available for use by the district to the same extent such property, facilities and equipment served the unannexed portion of the district on the date of annexation; or

(b) The code city shall pay to the district that proportion of the equity of the district in such property, facilities and equipment equal to the proportion the assessed valuation of all property subject to taxation situated within the area of the district not annexed bears to the total assessed valuation of all property subject to taxation situated within the district prior to annexation. For the purpose of this paragraph, assessed valuation shall be the valuation of the property as last determined by the county assessor. In determining the equity of the district for purposes of this paragraph due consideration shall be given to depreciation of the economic life of the property, facilities and equipment due to age

Optional  
Municipal  
Code.

and condition, and to replacement costs for comparable property, facilities and equipment to serve that portion of the district not annexed; or

Annexation by  
code cities.

(c) The code city shall, for the economic life of such property, facilities and equipment, provide for continuity of service to the unannexed portion of the district served by such property, facilities and equipment on the date of annexation.

A code city acquiring property, facilities and equipment under the provisions of subdivision (2) of this section shall acquire such property subject to the debts and obligations of the district for which such property, facilities and equipment would have been liable if no annexation had been made; and, in such cases, the annexed property, and the owners and occupants thereof, shall continue liable for payments of its and their proportionate share of any unpaid indebtedness, bonded or otherwise, with the right on the part of the district officials to make tax levies and collect charges on such property or owners or occupants, and to enforce such collections as if the annexation had not been made.

Sec. 35A.14.370 *Assumption of Control of Part of Water or Sewer District If Less Than Sixty Percent of the Area or Valuation Annexed.* If the portion of a water or sewer district annexed to a code city is less than sixty percent of the area of the district and less than sixty percent of the assessed valuation of the real property within the district, the provisions of section 35A.14.360, except subdivision (1) thereof shall apply.

Sec. 35A.14.380 *Ownership of Assets of Fire Protection District—When at Least Sixty Percent of Assessed Valuation Is Annexed or Incorporated in Code City.* If a portion of a fire protection district including at least sixty percent of the assessed valuation of the real property of the district is annexed to or incorporated into a code city, ownership of all of

the assets of the district shall be vested in the code city, upon payment in cash, properties or contracts for fire protection services to the district within one year, of a percentage of the value of said assets equal to the percentage of the value of the real property in the entire district remaining outside the incorporated or annexed area.

Annexation by  
code cities.

Sec. 35A.14.400 ————*When Less Than Sixty Percent of Assessed Valuation Is Annexed or Incorporated in Code City.* If a portion of a fire protection district including less than sixty percent of the assessed value of the real property of the district is annexed to or incorporated into a code city, the ownership of all assets of the district shall remain in the district and the district shall pay to the code city within one year or within such period of time as the district continues to collect taxes in such incorporated or annexed areas, in cash, properties or contracts for fire protection services, a percentage of the value of said assets equal to the percentage of the value of the real property in the entire district lying within the area so incorporated or annexed: *Provided*, That if less than five percent of the area of the district is affected, no payment shall be made to the code city. The fire protection district shall provide fire protection to the incorporated or annexed area for such period as the district continues to collect taxes levied in such annexed or incorporated area.

Sec. 35A.14.500 *Outstanding Indebtedness Not Affected.* When any portion of a fire protection district is annexed by or incorporated into a code city, any outstanding indebtedness, bonded or otherwise, shall remain an obligation of the taxable property annexed or incorporated as if the annexation or incorporation had not occurred.

Sec. 35A.14.600 *Code City and District May Contract Regarding Rights and Obligations.* Not-

Optional  
Municipal  
Code.

Annexation by  
code cities.

withstanding any of the provisions of this chapter to the contrary, as now or hereafter amended, the code city may, through its legislative authority authorize and enter into a contract with the district, with respect to rights, duties and obligations of the code city and the district as to ownership of property, services, assets, liabilities and debts and any other questions arising out of the annexation, which contract may also make provisions for services by the district and use of its facilities or real estate within the code city, and which contract may also provide that for such time as the contract may provide such district may continue to exercise all rights, privileges, powers and functions of such district provided by law as if there had been no annexation, including but not by way of limitation the right to levy and collect special assessments, adopt and carry out the provisions of a comprehensive plan, or amendments thereto, for a system of improvements, and issue and sell revenue and general obligation bonds.

Sec. 35A.14.700 *Determining Population of Annexed Territory—Certificate—As Basis for Allocation of State Funds.* Whenever any territory is annexed to a code city, a certificate as hereinafter provided shall be submitted in triplicate to the state census board within thirty days of the effective date of annexation specified in the relevant ordinance. After approval of the certificate, the board shall retain the original copy in its files, and transmit the second copy to the secretary of state, and return the third copy to the code city. Such certificates shall be in such form and contain such information as shall be prescribed by the board. A legal description and a map showing specifically the boundaries of the annexed territory shall be attached to each of the three copies of the certificate. The certificate shall be signed by the mayor and attested by the city

clerk. Upon request, the board shall furnish certification forms to any code city.

Annexation by  
code cities.

Whenever the effective date of annexation as specified in the relevant ordinance is between April 2nd and August 31st inclusive, in any year, and the annexation certificate is submitted as provided herein, the population of the annexed territory shall be added to the April 1st population as determined for that year by the board, and shall be used for the allocation and distribution of state funds to code cities commencing January 1st next following. When a certificate is submitted subsequent to the thirty-day period from the effective date of the annexation as specified in the relevant ordinance, the population of the annexed territory shall not be considered until April 1st of the following year. The resident population of the annexed territory shall be determined by, or under the direction of, the mayor of the code city. Such population determination shall consist of an actual enumeration of the population which shall be made in accordance with practices and policies, and subject to the approval of the board. The population shall be determined as of the effective date of annexation as specified in the relevant ordinance.

Until an annexation certificate is filed and approved as provided herein, such annexed territory shall not be considered by the board in determining the population of such code city.

*Sec. 35A.14.800 Road District Taxes Collected in Annexed Territory—Disposition.* Whenever any territory is annexed to a code city which is part of a road district of the county and road district taxes have been levied on any property within the annexed territory, the county treasurer, upon collection of such taxes, shall pay to the code city treasurer a pro rata share of such taxes in the proportion which the remaining period of the assessment year

Optional  
Municipal  
Code.

after the effective date of the annexation bears to the total assessment year. Such moneys shall be placed by the code city treasurer in the city street fund.

Annexation by  
code cities.

Sec. 35A.14.900 *Cancellation, Acquisition of Franchise or Permit for Operation of Public Service Business in Territory Annexed.* The annexation by any code city of any territory pursuant to this chapter shall cancel, as of the effective date of such annexation, any franchise or permit theretofore granted to any person, firm or corporation by the state of Washington, or by the governing body of such annexed territory, authorizing or otherwise permitting the operation of any public utility, including but not limited to, public electric, water, transportation, garbage collection and/or disposal or other similar public service business or facility within the limits of the annexed territory, but the holder of any such franchise or permit canceled pursuant to this section shall be forthwith granted by the annexing code city a franchise to continue such business within the annexed territory for a term of not less than five years from the date of issuance thereof, and the annexing code city, by franchise, permit or public operation, shall not extend similar or competing services to the annexed territory except upon a proper showing of the inability or refusal of such person, firm or corporation to adequately service said annexed territory at a reasonable price: *Provided*, That the provisions of this section shall not preclude the purchase by the annexing code city of said franchise, business, or facilities at an agreed or negotiated price, or from acquiring the same by condemnation upon payment of damages, including a reasonable amount for the loss of the franchise or permit. In the event that any person, firm or corporation whose franchise or permit has been canceled by the terms of this section shall suffer any

measurable damages as a result of any annexation pursuant to the provisions of the laws above-mentioned, such person, firm or corporation shall have a right of action against any code city causing such damages.

### Chapter 35A.15 DISINCORPORATION

Sec. 35A.15.010 *Authority for Disincorporation—Petition—Resolution.* Any noncharter code city may be disincorporated. Proceedings may be initiated by the filing with the city clerk of a petition for disincorporation signed by a majority of the qualified voters resident in such city, or the legislative body of the city may provide by resolution for an election on the proposition of disincorporation.

Disincorporation of code cities.

Sec. 35A.15.020 *Election on Disincorporation—Receiver.* The legislative body shall cause the proposition of disincorporation to be submitted to the voters at the next general municipal election if one is to be held within one hundred and eighty days, or at a special election called for that purpose not less than ninety days, nor more than one hundred and eighty days, after the certification of sufficiency of the petition, or the passage of the resolution, as the case may be. If the code city has any indebtedness or outstanding liabilities, the legislative body shall provide for election of a receiver at the same election.

Sec. 35A.15.030 *Notice of Election.* Notice of such election shall be given as provided in section 35A.29.140.

Sec. 35A.15.040 *Conduct of Election—Ballots—Canvass of Returns.* The election shall be conducted and the returns canvassed as provided in chapter 35A.29. Ballot titles shall be prepared by the city as provided in section 35A.29.120 and shall contain the



Optional  
Municipal  
Code.

Disincorporation of code  
cities.

words "For Dissolution" and "Against Dissolution", and shall contain on separate lines, alphabetically, the names of candidates for receiver. If a majority of the votes cast on the proposition are for dissolution, the municipal corporation shall be dissolved upon certification of the election results to the office of the secretary of state.

Sec. 35A.15.050 *Effect of Disincorporation—Powers—Offices.* The effect of disincorporation of a noncharter code city shall be as provided in RCW 35.07.090, 35.07.100, and 35.07.110.

Sec. 35A.15.060 *Receiver—Qualification—Bond—When Receiver May Be Appointed.* The receiver shall qualify and post a bond as provided in RCW 35.07.120. If an elected receiver fails to qualify within the time prescribed, or if no receiver has been elected and the code city does have indebtedness or an outstanding liability, a receiver shall be appointed in the manner provided in RCW 35.07.130 or as provided in RCW 35.07.140.

Sec. 35A.15.070 *Duties and Authority of Receiver—Claims—Priority.* The duties and authority of the receiver and the disposition and priority of claims against the former municipality shall be as provided in RCW 35.07.150, and the receiver shall have the rights, powers, and limitations provided for such a receiver in RCW 35.07.160, 35.07.170, and 35.07.180.

Sec. 35A.15.080 *Compensation of Receiver.* The compensation of the receiver shall be as provided in RCW 35.07.190.

Sec. 35A.15.090 *Receiver—Removal for Cause—Successive Appointments.* The receiver may be removed for cause as provided in RCW 35.07.200 and a successor to the receiver may be appointed as provided in RCW 35.07.210.

Sec. 35A.15.100 *Receiver—Final Account and Discharge.* The receiver shall file a final account, pay remaining funds to the county treasurer, and be discharged, all as provided in RCW 35.07.220.

Disincorporation of code cities.

Sec. 35A.15.110 *Involuntary Dissolution.* A noncharter code city may be involuntarily dissolved in the manner provided in RCW 35.07.230, 35.07.240, 35.07.250, and 35.07.260 upon the existence of the conditions stated in RCW 35.07.230.

### Chapter 35A.16

#### REDUCTION OF CITY LIMITS

Reduction of city limits.

Sec. 35A.16.010 *Petition or Resolution for Election.* Upon the filing of a petition which is sufficient as determined by section 35A.01.040 praying for the exclusion from the boundaries of a code city of an area described by metes and bounds or by reference to a recorded plat or government survey, signed by qualified voters of the city in number equal to not less than ten percent of the number of votes cast at the last general municipal election, the legislative body of the code city shall cause the question to be submitted to the voters. As an alternate method, such a proposal for exclusion from the code city of a described area may be submitted to the voters by resolution of the legislative body. The question shall be submitted at the next general municipal election if one is to be held within one hundred and eighty days or at a special election called for that purpose not less than ninety days nor more than one hundred and eighty days after the certification of sufficiency of the petition or the passage of the resolution. The petition or resolution shall set out and describe the territory to be excluded from the code city, together with the boundaries of the code city as it will exist after such change is made.

Sec. 35A.16.020 *Notice of Election.* Notice of election shall be given as provided in section 35A.29-

Optional  
Municipal  
Code.

.140, and the notice shall be published at least once each week for two weeks prior to the date of election in one or more newspapers of general circulation within the code city.

Reduction of  
city limits.

Sec. 35A.16.030 *Canvassing the Returns—Abstract of Vote.* The election returns shall be canvassed as provided in section 35A.29.070 and if three-fifths of the votes cast on the proposition favor the reduction of the corporate limits, the legislative body, by an order entered on its minutes, shall direct the clerk to make and transmit to the office of the secretary of state a certified abstract of the vote.

Sec. 35A.16.040 *Effective Date of Reduction.* Promptly after the filing of the abstract of votes with the secretary of state the legislative body shall adopt an ordinance defining and fixing the corporate limits after excluding the area as determined by the election. The ordinance shall also describe the excluded territory by metes and bounds or by reference to a recorded plat or government survey and declare it no longer a part of the code city.

Sec. 35A.16.050 *Recording of Ordinance and Plat on Effective Date of Reduction.* Upon the effective date of the ordinance a certified copy thereof together with a map showing the corporate limits as altered shall be filed and recorded in the office of the county auditor of the county in which the code city is situated, and thereupon the boundaries shall be as set forth therein.

Sec. 35A.16.060 *Effect of Exclusion as to Liability for Indebtedness.* The exclusion of an area from the boundaries of the code city shall not exempt any real property therein from taxation for the purpose of paying any indebtedness of the code city existing at the time of its exclusion and the interest thereon.

Sec. 35A.16.070 *Franchises within Territory Excluded.* In regard to franchises previously granted for operation of any public service business or facility within the territory excluded from a code city by proceedings under this chapter, the rights, obligations, and duties of the legislative body of the county or other political subdivision having jurisdiction over such territory and of the franchise holder shall be as provided in RCW 35.02.160, relating to inclusion of territory by an incorporation, and such a franchise shall be canceled and a new franchise issued by the legislative body having jurisdiction, as therein provided.

Reduction of city limits.

#### Chapter 35A.20

### MUNICIPAL COURTS OR POLICE COURTS IN CODE CITIES

Municipal courts and police courts in code cities.

Sec. 35A.20.010 *Law Governing Municipal Courts or Police Courts.* The municipal court or municipal department of code cities governed by the provisions of chapters 3.30 through 3.74 RCW, or chapter 35.20 RCW, shall be organized and conducted in accordance with such statutory provisions as have been elected by the legislative body of such city, and the municipal judge (who may be designated as police judge) of such cities shall be qualified and elected or appointed in accordance with such applicable statutory provisions. Sections 35A.20.020 through 35A.20.110 shall apply to police courts in code cities not covered by the provisions of chapters 3.30 through 3.74 RCW, or chapter 35.20 RCW. Nothing in this chapter shall be construed to amend or to affect the application of the statutes referred to in this section.

Sec. 35A.20.020 *Police Judge or Municipal Judge—Term—Compensation Bond.* In code cities not governed by any of the provisions referred to in section 35A.20.010 but governed by this chapter, a

Optional  
Municipal  
Code.

Municipal  
courts and  
police courts  
in code cities.

police judge (who may be designated as municipal judge) shall be appointed by the chief administrative officer of the city and shall be a justice of the peace or an attorney admitted to the practice of law in the state of Washington, except that the legislative body of cities having less than five thousand inhabitants may provide that a person who is not a justice of the peace or an attorney may be appointed as police judge. The police judge of code cities governed by the provisions of this chapter shall be appointed for a four-year term, and such term shall be concurrent with the term of a justice of the peace, under the general law effective in the county wherein the code city is located. An appointed police judge shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering him incapable of performing the duties of his office. Notwithstanding the provisions of this section, the charter of a charter code city may provide that the office of police judge or municipal judge shall be an elective office, and may provide for the term thereof, but the qualifications required for election to such office shall be the same as for appointment thereto. The compensation of a police judge or municipal judge shall be fixed by ordinance subject to any applicable statutory provisions relating thereto, and shall be paid wholly out of the funds of the code city. A police judge or municipal judge shall give a bond for the faithful performance of his duties, when and as provided by charter or ordinance.

Sec. 35A.20.030 *Additional Judge—Traffic Cases.*  
Any code city having twenty thousand or more inhabitants may provide by charter or ordinance for the election or appointment of an additional municipal judge who shall have the same qualifications as, and be removable in like manner

as the regular police judge, and who upon qualification shall enjoy all the powers and perform all the duties imposed upon police judges by law. The compensation of such additional municipal judge shall be provided for by ordinance and his salary shall be paid wholly out of city funds. Such additional municipal judge may appoint a clerk who shall be paid by the city, and a suitable place for holding court by such additional municipal judge shall be provided and maintained by the code city.

Municipal  
courts and  
police courts  
in code cities.

The purpose of this section is to authorize code cities having twenty thousand or more inhabitants to expedite the handling of traffic offense cases under the laws thereof, and the chief administrative officer of the code city, in making appointments of municipal judges shall designate which of the judges shall be primarily responsible for the handling of traffic cases, the trial of which in such code cities shall, so far as practicable, be segregated from other municipal court trials.

Sec. 35A.20.040 *Jurisdiction of Police Judge.*  
The police judge, in addition to powers he may have as justice of the peace, shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license, penalty, or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and pronounce judgment in accordance therewith and full power to issue all warrants and process necessary to effectuate the ordinances of the city. Such police judge shall have jurisdiction to impose a fine or imprisonment, or both such fine and imprisonment, in all cases where such penalty shall be prescribed by ordinance. In

Optional  
Municipal  
Code.

Municipal  
courts and  
police courts  
in code cities.

the trial of actions brought for violating any city ordinance, no jury shall be allowed. All civil or criminal proceedings before such police judge and judgments rendered by him, shall be subject to review in the superior court of the proper county by writ of review or appeal in the same manner as is provided in RCW 35.22.530 through 35.22.560.

Sec. 35A.20.050 *Precedence of Cases—No Change of Venue.* Such police judge, if he is a justice of the peace, shall in the conduct of the business of the court give preference to cases arising under ordinances of the city; then to prosecutions for violation of the criminal laws of the state of Washington within the city; then to civil causes coming before him upon change of venue from another justice of the peace in the city. No change of venue shall be allowed from such police judge in actions brought for violations of city ordinances.

Sec. 35A.20.060 *Criminal Process.* All criminal process issued by such police judge shall be in the name of the state of Washington and run throughout the state, be directed to the chief of police, marshal or other police officer of any city or to any sheriff or constable in the state and shall be served by him.

Sec. 35A.20.070 *Prosecutions in Name of City.* All prosecutions for the violation of any city ordinance shall be conducted in the name of the city, and may be upon the complaint of any person.

Sec. 35A.20.080 *Costs.* In all civil and criminal cases arising from the violations of city ordinances tried by such police judge he shall charge as costs in each case the same fees as are charged by justices of the peace for like services in every action, and all fees so charged and collected by, and all fines and forfeitures paid to, such police judge shall belong to and be paid over by him, weekly, to the city.

Sec. 35A.20.090 *Procedure*. The manner of commencement of actions brought before the police judge, the manner of obtaining service upon the defendants, the procedure during the pendency of the action, and the enforcement of the judgment shall be as provided in the case of like actions before justices of the peace in the county wherein such code city is situated.

Municipal  
courts and  
police courts  
in code cities.

Sec. 35A.20.100 *Police Judge Pro Tempore*. In the event of the police judge's inability to act, or during any temporary absence, or if he should be disqualified, the chief administrative officer of the code city shall appoint any practicing attorney, or qualified elector of the city, as police judge pro tempore, who, before entering upon the duties of such office, shall take and subscribe an oath as other judicial officers, and while so acting, he shall have all the power of the police judge: *Provided*, That such appointment shall not continue for a longer period than the absence or inability of the police judge. A police judge pro tempore shall receive such compensation for his services as shall be fixed by ordinance of the legislative body of the city, to be paid by the city.

Sec. 35A.20.110 *Staff of Court—Supplies*. The legislative body of the code city shall furnish for the use of the police court all necessary dockets, books of record, forms, furnishings, and supplies as are necessary for the proper administration of the court and shall pay the salary of a clerk and/or other necessary personnel of the police court, who shall be appointed by and serve at the pleasure of the police judge.

Sec. 35A.20.120 *Annual Report of Liquor Law Violations*. A municipal judge or police judge of a code city shall make an annual report to the state



Optional  
Municipal  
Code.

liquor board concerning prosecutions for liquor law violations as provided in RCW 35.21.170.

Municipal  
courts and  
police courts  
in code cities.

Sec. 35A.20.130 *List for Petit Jury.* The clerk or comptroller of each code city designated as registrar of voters by Title 29 RCW, except the registrar of voters in the city which is the county seat of any county, shall prepare annually from the original registration files of voters of such city a list for petit jury as required by chapter 2.36 RCW.

Sec. 35A.20.150 *Actions by and Against Code Cities.* A code city may exercise the power to bring an action or special proceeding at law as authorized by Title 4 RCW, chapters 7.24, 7.25 and 7.32 RCW, and shall be subject to actions and process of law in accordance with procedures prescribed by law and rules of court.

#### Chapter 35A.21

#### PROVISIONS AFFECTING ALL CODE CITIES

Provisions  
affecting all  
code cities.

Sec. 35A.21.010 *Validity of Ordinances and Resolutions—Deficiencies of Form.* Deficiencies in the form of an ordinance or resolution shall not affect the validity thereof if the following requirements are met:

(1) The purpose and intent of the ordinance or resolution are clear.

(2) Any regulatory or procedural provisions thereof are expressed in clear and unambiguous terms, or the legislative intent can be determined by usual methods of judicial construction.

(3) The legislative action was taken at an authorized public meeting held within the code city limits at a time and place made known to residents of the city, as provided by law.

(4) The legislative body of the code city followed the prescribed procedures, if any, for passage of such an ordinance or resolution, as provided in

the law or charter provision delegating to the legislative body the authority to so legislate; or, if prescribed procedures were not strictly complied with, no substantial detriment was incurred by any affected person, by reason of such irregularity.

Provisions  
affecting all  
code cities.

If the foregoing requirements have been met, brevity or awkwardness of language, or defects of form not going to the substance, or inadvertent use of an incorrect or inaccurate proper name or term shall not render an ordinance or resolution invalid, if otherwise in compliance with law.

Sec. 35A.21.020 *Conflict between Charter and Optional Code.* This optional municipal code is intended to be a general law, available to all cities and towns within the state, and to all legal intents and purposes a "general law" within the meaning of Article 11, section 10 of the state Constitution, as amended.

If any provision of this title is in conflict with any provision of the charter or amendments thereto of any charter code city, the provisions of this title shall govern and control, except where the legislative body of such charter code city, by ordinance, elects to retain such charter provision or amendment, in which event such charter provision shall prevail notwithstanding a conflict with provisions of this optional code: *Provided,* That such ordinance shall be subject to referendum as provided in section 35A.29.170.

Sec. 35A.21.030 *Mandatory Duties of Code City Officers.* Except as otherwise provided in this title, every officer of a code city shall perform, in the manner provided, all duties of his office which are imposed by state law on officers of every other class of city who occupy a like position and perform like functions.

Optional  
Municipal  
Code.

Provisions  
affecting all  
code cities.

Sec. 35A.21.040 *Merit Systems*. Provisions for a merit system, made by charter or ordinance of a code city, shall be in compliance with any applicable statutes relating to civil service for employees of such city: *Provided*, That nothing herein shall impair the validity of charter provisions adopted prior to the effective date of this title and relating to a merit system.

Sec. 35A.21.050 *Pension and Retirement Systems*. Nothing in this title shall be construed to alter or affect vested rights of city employees under pension and retirement systems in effect at the time this title becomes effective.

Sec. 35A.21.060 *Garbage Ordinance—Lien—Foreclosure*. A garbage ordinance of a code city may contain the provisions authorized by RCW 35.21.130. Notice shall be given of a lien for garbage collection and disposal service, the lien shall have priority and be foreclosed all as provided in RCW 35.21.140 and 35.21.150.

Sec. 35A.21.070 *Office Hours Prescribed by Ordinance*. All code city offices shall be kept open for the transaction of business during such days and hours as the legislative body of such city shall by ordinance prescribe.

Sec. 35A.21.080 *Computation of Time*. When, under the provisions of this title, an act is to be done within a certain time period, the time shall be computed by excluding the first day and including the last, except that when the last day is a Saturday, Sunday, or a day designated by RCW 1.16.050 or by the city's ordinances as a holiday, then it also is excluded and the act must be completed on the next business day.

Sec. 35A.21.090 *Jurisdiction over Adjacent Waters—Control of Street over Tidelands*. The legisla-

tive body of a code city shall have supervision and control within its corporate limits of streets over tidelands or upon or across tide and shore lands of the first class as provided in RCW 35.21.230, 35.21.240 and 35.21.250; and shall have jurisdiction over adjacent waters as provided in RCW 35.21.160.

Provisions  
affecting all  
code cities.

Sec. 35A.21.100 *Lien for Utility Services.* Code cities owning or operating waterworks or electric light distribution or power plants shall have a lien for such utility services as provided by RCW 35.21.290 for cities owning such plants and as limited therein, which lien may be enforced only as provided in RCW 35.21.300.

Sec. 35A.21.110 *Warrants—Interest Rate—Payment.* Code city warrants shall draw interest, be paid, and called for all as provided in RCW 35.21.320 and the duty and liability of the treasurer of a code city in calling and paying warrants of the city shall be as provided in RCW 35.21.320.

Sec. 35A.21.120 *Utilities—Facilities for Generation of Electricity.* Any code city owning and operating a public utility and having facilities and/or land for the generation of electricity shall be governed by the provisions of RCW 35.21.420 through 35.21.450.

Sec. 35A.21.130 *Codification of Ordinances.* Compilation, codification, and revision of code city ordinances shall be as provided by and be governed by the provisions of RCW 35.21.500 through 35.21.570.

Sec. 35A.21.140 *Change of Name.* Any code city may change its name in accordance with the procedure provided in chapter 35.62 RCW.

Sec. 35A.21.150 *Sewerage and Refuse Collection and Disposal Systems.* The general law as contained in, but not limited to, chapter 35.67 RCW, relating to

Optional  
Municipal  
Code.

Provisions  
affecting all  
code cities.

sewerage systems and the collection and disposal of refuse, the manner of providing therefor, and the issuance of general obligation or revenue bonds therefor, the establishment of a revenue bond fund in connection therewith, compulsory connection with a city sewer system, setting and collection of rates, fees, and charges therefor, and the existence, enforcement, and foreclosure of a lien for sewer services is hereby recognized as applicable to code cities operating systems of sewerage and systems and plants for refuse collection and disposal. A code city may exercise the powers, in the manner provided, perform the duties, and shall have the rights and obligations provided in chapter 35.67 RCW, subject to the conditions and limitations therein provided.

Sec. 35A.21.160 *General Application of Laws to Code Cities.* A code city organized or reorganized under this title shall have all of the powers which any city of any class may have and shall be governed in matters of state concern by statutes applicable to such cities in connection with such powers to the extent to which such laws are appropriate and are not in conflict with the provisions specifically applicable to code cities.

Sec. 35A.21.161 *Regulation of Activities and Enforcement of Penal Laws.* All code cities shall observe and enforce, in addition to its local regulations, the provisions of state laws relating to the conduct, location and limitation on activities as regulated by state law and shall supply police information to the state bureau of criminal identification as required by chapter 72.50 RCW.

Sec. 35A.21.170 *Fiscal Year.* The fiscal year of a code city shall commence on the first day of January and end on the thirty-first day of December of each

calendar year unless a different fiscal period is authorized by RCW 1.16.030, as amended.

Provisions affecting all code cities.

Sec. 35A.21.180 *Flags To Be Displayed.* The flag of the United States and the flag of the state shall be prominently installed and displayed and maintained in code city buildings and shall be as provided in RCW 1.20.010.

Sec. 35A.21.190 *Daylight Saving Time.* No code city shall adopt any provision for the observance of daylight saving time other than as authorized by RCW 1.20.050 and 1.20.051.

Sec. 35A.21.200 *Limitation of Actions.* The limitations prescribed in chapter 4.16 RCW shall apply to actions brought in the name or for the benefit of, or against, a code city, except as otherwise provided by general law or by this title.

#### Chapter 35A.24

#### AERONAUTICS

Aeronautics.

Sec. 35A.24.010 *Airport Operation, Planning and Zoning.* A code city may exercise the powers relating to airport planning and zoning, improvement and operation as authorized by chapters 14.07, 14.08, and 14.12 RCW and chapter 35A.63 of this title in accordance with the procedures therein prescribed.

#### Chapter 35A.27

#### LIBRARIES, MUSEUMS AND HISTORICAL ACTIVITIES

Libraries, museums and historical activities.

Sec. 35A.27.010 *General Laws Applicable.* Every code city may exercise the powers relating to the acquisition, development, improvement and operation of libraries and museums and the preservation of historical materials to the same extent authorized by general law for cities of any class, including, but not limited to, the authority for city libraries granted by RCW 35.22.280(20), the power

Optional  
Municipal  
Code.

Libraries,  
museums and  
historical  
activities.

to acquire and operate art museums, auditoriums, and other facilities as authorized by RCW 35.21.020 to participate in the establishment of regional libraries, and to contract for library service for public libraries with county, intercounty, and rural library districts, and for regional libraries as authorized by chapter 27.12 RCW, to have a county law library or branch thereof generally under the provisions of chapter 24.27 RCW, to preserve historical materials, markers, graves and records as provided in chapters 27.48 and 27.52 RCW, and to expend municipal funds thereon.

Chapter 35A.28

Schools.

SCHOOLS

Sec. 35A.28.010 *General Laws Applicable.* Code cities shall have the authority to enter into contracts for joint acquisition of land and improvement thereof with school districts. Code cities and their relationship with public schools, colleges and school districts shall be governed by the provisions of general law, including Title 28 RCW. Each code city shall be contained within one school district except as may be otherwise provided in RCW 28.57.150, and may establish schools for truants under the provisions of RCW 13.12.010.

Chapter 35A.29

Municipal  
elections in  
code cities.

MUNICIPAL ELECTIONS IN CODE CITIES

Sec. 35A.29.010 *Definition of City Clerk.* As used herein "city clerk" means every officer of a code city, by whatever name designated, who performs the functions usually performed by a city clerk.

Sec. 35A.29.020 *Definition of Code City Precinct.* A code city precinct is a voting precinct lying wholly or partly within a code city.

Sec. 35A.29.030 *City Clerk as Registrar.* The city clerk shall be the registrar of voters in all code city precincts. In the case of code city precincts lying partly within and partly without the code city limits, the voters within and those without the city limits shall be registered in separate registration files. The city clerk shall take an oath as required by RCW 29.07.050 and shall perform his duties as registrar as provided in chapters 29.07 and 29.10 RCW. Expense of registration shall be paid or apportioned as provided in RCW 29.07.030, and registration officers of code cities shall receive compensation, fees, and expenses as provided in RCW 29.07.040.

Municipal  
elections in  
code cities.

Sec. 35A.29.040 *County Auditor as Supervisor of Elections.* The county auditor of each county shall be ex officio the supervisor of code city elections as provided in RCW 29.04.020.

Sec. 35A.29.050 *Qualifications for Voting.* Only registered voters resident in the code city may vote in municipal elections of code cities. A voter's place of residence shall be determined as provided in RCW 29.01.140.

Sec. 35A.29.060 *Time and Places for Registration.* Registration officers in code cities shall keep their respective offices open for registration of voters during the days and hours when the same are open for the transaction of public business. In code cities having over twenty thousand inhabitants the registrar of voters shall establish on a permanent basis at least one registration office in each legislative district that lies wholly or partially within the city limits by appointing persons as deputy registrars who may register any eligible elector of such code city. Each such deputy registrar shall hold office at the pleasure of the registrar of voters and shall maintain a fixed place, conveniently located, for the registration of voters, but nothing in this section



Optional  
Municipal  
Code.

Municipal  
elections in  
code cities.

shall preclude door-to-door registration including registration from a portable office as in a trailer. The legislative body of every code city having more than fifteen hundred inhabitants shall provide for additional temporary registration facilities during the fifteen day period, excepting Sundays, prior to the last day to register in order to vote at a state primary or state general election, when deemed necessary by the legislative body in order to afford ample opportunity for all qualified electors to register for voting.

Sec. 35A.29.070 *Times for Holding Elections—Conduct of Elections.* The times for holding general municipal elections in code cities shall be as provided in RCW 29.13.010 and 29.13.020. Elections shall be conducted and the returns canvassed as provided in RCW 29.13.040.

Sec. 35A.29.080 *Costs of Elections.* Code cities shall bear the cost of elections called by the code city on an isolated date, and shall bear their proportionate share of the costs of city elections held in conjunction with other elections, all as provided in RCW 29.13.045.

Sec. 35A.29.090 *Commencement of Terms of Officers Elected.* Except as otherwise provided in sections 35A.03.130, 35A.04.140, 35A.05.110, and 35A.08.110, the term of every code city officer elected to office on the first Tuesday following the first Monday in November of the odd-numbered years shall begin as of noon on the second Monday in January following his election: *Provided*, That any person elected to less than a full term shall assume office as soon as the election returns are certified, unless otherwise provided in this title: *Provided further*, That when not otherwise provided for in this title the term of officers elected at a

special election shall begin on the first Monday following the certification of the election returns.

Municipal  
elections in  
code cities.

Sec. 35A.29.100 *Code City Elections To Be Non-partisan.* All code city primaries and elections shall be nonpartisan irrespective of the form of government of such code city.

Sec. 35A.29.105 *Numbering of Council Positions.* Positions to be filled on the council of code cities operating under the mayor-council or council-manager plan of government shall be numbered consecutively and treated as separate offices for all election purposes as provided in RCW 29.21.017.

Sec. 35A.29.110 *Declaration of Candidacy—Time for Filing—Withdrawal—Nominating Petitions.* A candidate for office in a code city shall file a declaration of candidacy substantially in the form set forth in RCW 29.18.030 insofar as such form is applicable to nonpartisan offices. Declarations of candidacy for offices of code cities shall be filed with the code city clerk not more than sixty nor less than forty-five days prior to the date of the election. Any candidate may withdraw his declaration at any time but not later than five days before the last day allowed for filing declarations of candidacy. Nominating petitions for charter commissioners and for any other office for which nominating petitions may be required shall be governed by the provisions of this section as to the time for filing and withdrawal of such petitions.

Sec. 35A.29.120 *Ballot Titles.* When any question is to be submitted to the voters of a code city, or when a proposition is to be submitted to the voters of an area under provisions of this title, the question or proposition shall be advertised as provided for nominees for office, and in such cases there shall also be printed on the ballot a concise statement not exceeding one hundred words containing the

Optional  
Municipal  
Code.

Municipal  
elections in  
code cities.

essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon, which statement shall be prepared by the attorney for the code city, or by the prosecuting attorney for the county for elections held outside of a code city. In addition to such a statement, the official preparing the statement shall also prepare a caption, not to exceed ten words in length, to permit the voters readily to identify the proposition and distinguish it from other propositions on the ballot. This caption shall be placed on the ballot immediately before the statement, and shall be printed in heavy black type in such a manner as to be readable at a glance. The caption and statement together shall constitute the ballot title.

Sec. 35A.29.130 *Notice of Ballot Title—Appeal.* Upon the filing of a ballot title as defined in section 35A.29.120, the county auditor shall forthwith notify the persons proposing the measure of the exact language of the ballot title. If the persons filing any local question covered by section 35A.29.120 are dissatisfied with the ballot title formulated by the attorney for the code city or by the county prosecuting attorney, they may appeal to the superior court of the county where the question is to appear on the ballot, as provided in RCW 29.27.067.

Sec. 35A.29.140 *Notice of Election.* Except as otherwise provided in this title, notice for any municipal election in a code city, or any election held under the provisions of this title, whether special or general, shall be given by at least one publication not more than ten nor less than three days prior to the election by the county auditor or the officer conducting the election as the case may be, in one or more newspapers of general circulation within the code city, or within the area in which the election is to be held. Said legal notice shall contain

the title of each office to be filled, the names and addresses of all candidates for such office, in alphabetical order and without party designation, together with the ballot titles of all measures to be voted upon at such election, the day and the hours during which the polls will be open and the addresses of each polling place in each precinct.

Municipal  
elections in  
code cities.

Sec. 35A.29.150 *General Provisions Relating to Municipal Elections.* Except as otherwise provided in this chapter, municipal elections in code cities shall be conducted in accordance with the applicable provisions of Title 29 RCW relating to elections in municipal corporations.

Sec. 35A.29.170 *Referendum Petitions—Suspension of Effectiveness of Legislative Action.* Initiative and referendum petitions authorized to be filed under provisions of this title, or authorized by charter, or authorized for code cities having the commission form of government as provided by chapter 35.17 RCW, shall be in substantial compliance with the provisions of section 35A.01.040 as to form and content of the petition, insofar as such provisions are applicable; shall contain a true copy of a resolution or ordinance sought to be referred to the voters; and must contain valid signatures of qualified electors of the code city in the number required by the applicable provision of this title. Except when otherwise provided by statute, referendum petitions must be filed with the clerk of the legislative body of the code city within ninety days after the passage of the resolution or ordinance sought to be referred to the voters, or within such lesser number of days as may be authorized by statute or charter in order to precede the effective date of an ordinance: *Provided,* That nothing herein shall be construed to abrogate or affect an exemption from initiative and/or referendum provided by a code city charter.

Optional  
Municipal  
Code.

The clerk shall determine the sufficiency of the petition under the rules set forth in section 35A.01.040. When a referendum petition is filed with the clerk, the legislative action sought to be referred to the voters shall be suspended from taking effect. Such suspension shall terminate when: (1) There is a final determination of insufficiency or untimeliness of the referendum petition; or (2) the legislative action so referred is approved by the voters at a referendum election.

Municipal  
elections in  
code cities.

Sec. 35A.29.180 *Recall*. Elective officers of code cities may be recalled in the manner provided in chapter 29.82 RCW.

Chapter 35A.31

ACCIDENT CLAIMS AND FUNDS

Accident  
claims and  
funds.

Sec. 35A.31.010 *Claims—Statement of Residence Required—Time for Filing—Verification*. Claims for damages sounding in tort against any code city shall be presented and filed within the time, in the manner and by the person prescribed in section 4 of chapter 164, Laws of 1967.

Sec. 35A.31.020. *Liberal Construction*. With respect to the content of such claims the provisions of section 4, chapter 164, Laws of 1967 shall be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 35A.31.030 *Report—Requisites of Claim—Time Limitations*. No ordinance or resolution shall be passed allowing such claim or any part thereof, or appropriating any money or other property to pay or satisfy the same or any part thereof, until the claim has first been referred to the proper department or committee, nor until such department or committee has made its report thereon to the legislative body of the code city pursuant to such reference. All such claims for damages must

accurately locate and describe the defect that caused the injury, reasonably describe the injury and state the time when it occurred, contain the item of damages claimed and be verified by the claimant or a relative, attorney, or agent of the claimant.

Accident  
claims and  
funds.

No action shall be maintained against any code city for any claim for damages until the same has been presented to the legislative body of the city by filing with the clerk and sixty days have elapsed after such presentation.

Sec. 35A.31.050 *Charter Code Cities—Provisions Cumulative.* Nothing herein shall be construed as in anywise modifying, limiting, or repealing any valid provision of the charter of any charter code city relating to such claims for damages, except when in conflict herewith, but the provisions hereof shall be in addition to such charter provisions, and such claims for damages, in all other respects, shall conform to and comply with such charter provisions.

Sec. 35A.31.060 *Accident Fund—Warrants for Judgments.* Every code city may create an accident fund upon which the clerk shall draw warrants for the full amount of any judgment including interest and costs against the city on account of personal injuries suffered by any person as shown by a transcript of the judgment duly certified to the clerk. Warrants issued for such purpose shall be in denominations not less than one hundred dollars nor more than five hundred dollars; they shall draw interest at the rate of six percent per annum, shall be numbered consecutively and be paid in the order of their issue.

Sec. 35A.31.070 *Tax Levy for Fund.* The legislative body of the code city, after the drawing of warrants against the accident fund, shall estimate the amount necessary to pay the warrant with accrued interest thereon and may appropriate and

Optional  
Municipal  
Code.

transfer money from the contingency fund sufficient therefor, or if there is not sufficient money in the contingency fund the legislative body shall levy a tax sufficient to pay all or such unpaid portion of any judgment not exceeding three mills on the dollar. If a single levy of three mills is not sufficient, and if other moneys are not available therefor, an annual levy of three mills shall be made until the warrants and interest are fully paid.

Accident  
claims and  
funds.

Sec. 35A.31.080 *Surplus to General Fund.* If there is no judgment outstanding against the city for personal injuries, the money remaining in the accident fund after the payment of the warrants drawn on that fund and interest in full shall be transferred to the general fund.

Chapter 35A.33

BUDGETS IN CODE CITIES

Budgets in  
code cities.

Sec. 35A.33.010 *Definitions.* Unless the context clearly indicates otherwise, the following words as used in this chapter shall have the meaning herein prescribed:

(1) "Clerk" as used in this chapter includes the officer performing the functions of a finance or budget director, comptroller, auditor, or by whatever title he may be known in any code city.

(2) "Department" as used in this chapter includes each office, division, service, system or institution of the city for which no other statutory or charter provision is made for budgeting and accounting procedures or controls.

(3) "Council" as used in this chapter includes the commissioners in cities having a commission form of government and any other group of city officials serving as the legislative body of a code city.

(4) "Chief administrative officer" as used in this chapter includes the mayor of cities having a

mayor-council form of government, the commissioners in cities having a commission form of government, the city manager, or any other city official designated by the charter or ordinances of such city under the plan of government governing the same, or the budget or finance officer designated by the mayor, manager or commissioners, to perform the functions, or portions thereof, contemplated by this chapter.

Budgets in  
code cities.

(5) "Fiscal year" as used in this chapter means that fiscal period set by the code city pursuant to authority given under RCW 1.16.030.

(6) "Fund", as used in this chapter and "funds" where clearly used to indicate the plural of "fund", shall mean the budgeting or accounting entity authorized to provide a sum of money for specified activities or purposes.

(7) "Funds" as used in this chapter where not used to indicate the plural of "fund" shall mean money in hand or available for expenditure or payment of a debt or obligation.

(8) Except as otherwise defined herein, municipal accounting terms used in this chapter have the meaning prescribed in "Municipal Accounting and Auditing", prepared by the National Committee on Governmental Accounting, September 1951.

Sec. 35A.33.020 *Applicability of Chapter.* The provisions of this chapter apply to all code cities: *Provided*, That this chapter shall not apply to any municipal utility or enterprise for which separate budgeting provisions are made by general state law.

Sec. 35A.33.030 *Budget Estimates.* On or before the second Monday of the fourth month prior to the beginning of the city's next fiscal year, or at such other time as the city may provide by ordinance or charter, the clerk shall notify in writing the head of



Optional  
Municipal  
Code.

Budgets in  
code cities.

each department of a code city to file with the clerk within fourteen days of the receipt of such notification, detailed estimates of the probable revenue from sources other than ad valorem taxation and of all expenditures required by his department for the ensuing fiscal year. The notice shall be accompanied by the proper forms provided by the clerk, prepared in accordance with the requirements and classification established by the division of municipal corporations in the office of the state auditor. The clerk shall prepare the estimates for interest and debt redemption requirements and all other estimates, the preparation of which falls properly within the duties of his office. The chief administrative officers of the city shall submit to the clerk detailed estimates of all expenditures proposed to be financed from the proceeds of bonds or warrants not yet authorized, together with a statement of the proposed method of financing them. In the absence or disability of the official or person regularly in charge of a department, the duties herein required shall devolve upon the person next in charge of such department.

Sec. 35A.33.040 *Classification and Segregation of Budget Estimates.* All estimates of receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor through the division of municipal corporations after consultation with the Washington finance officers association, the association of Washington cities and the association of Washington city managers.

Sec. 35A.33.050 *Proposed Preliminary Budget.* On or before the first business day in the third month prior to the beginning of the fiscal year of a

code city or at such other time as the city may provide by ordinance or charter, the clerk or other person designated by the charter, by ordinances, or by the chief administrative officer of the city shall submit to the chief administrative officer a proposed preliminary budget which shall set forth the complete financial program of the city for the ensuing fiscal year, showing the expenditure program requested by each department and the sources of revenue by which each such program is proposed to be financed.

Budgets in  
code cities.

The revenue section shall set forth in comparative and tabular form for each fund the actual receipts for the last completed fiscal year, the estimated receipts for the current fiscal year and the estimated receipts for the ensuing fiscal year, which shall include the amount to be raised from ad valorem taxes and unencumbered fund balances estimated to be available at the close of the current fiscal year.

The expenditure section shall set forth in comparative and tabular form for each fund and every department operating within each fund the actual expenditures for the last completed fiscal year, the appropriations for the current fiscal year and the estimated expenditures for the ensuing fiscal year. The salary or salary range for each office, position or job classification shall be set forth separately together with the title or position designation thereof: *Provided*, That salaries may be set out in total amounts under each department if a detailed schedule of such salaries and positions be attached to and made a part of the budget document.

Sec. 35A.33.052 *Preliminary Budget*. The chief administrative officer shall prepare the preliminary budget in detail, making any revisions or addition to the reports of the department heads deemed advis-

Optional  
Municipal  
Code.

Budgets in  
code cities.

able by such chief administrative officer and at least sixty days before the beginning of the city's next fiscal year he shall file it with the city clerk as the recommendation of the chief administrative officer for the final budget. The clerk shall provide a sufficient number of copies of such preliminary budget and budget message to meet the reasonable demands of taxpayers therefor and have them available for distribution not later than six weeks before the beginning of the city's next fiscal year.

Sec. 35A.33.055 *Budget Message—Preliminary Hearings.* In every code city a budget message prepared by or under the direction of the city's chief administrative officer shall be submitted as a part of the preliminary budget to the city's legislative body at least sixty days before the beginning of the city's next fiscal year and shall contain the following:

- (1) An explanation of the budget document;
- (2) An outline of the recommended financial policies and programs of the city for the ensuing fiscal year;
- (3) A statement of the relation of the recommended appropriation to such policies and programs;
- (4) A statement of the reason for salient changes from the previous year in appropriation and revenue items;
- (5) An explanation for any recommended major changes in financial policy.

Prior to the final hearing on the budget, the legislative body or a committee thereof, shall schedule hearings on the budget or parts thereof, and may require the presence of department heads to give information regarding estimates and programs.

Sec. 35A.33.060 *Budget—Notice of Hearing on Final.* Immediately following the filing of the pre-

liminary budget with the clerk, the clerk shall publish a notice once each week for two consecutive weeks stating that the preliminary budget for the ensuing fiscal year has been filed with the clerk, that a copy thereof will be furnished to any taxpayer who will call at the clerk's office therefor and that the legislative body of the city will meet on the first business day of the month next preceding the beginning of the ensuing fiscal year for the purpose of fixing the final budget, designating the date, time and place of the legislative budget meeting and that any taxpayer may appear thereat and be heard for or against any part of the budget. The publication of such notice shall be made in the official newspaper of the city if there is one, otherwise in a newspaper of general circulation in the city or if there be no newspaper of general circulation in the city, then by posting in three public places fixed by ordinance as the official places for posting the city's official notices.

Budgets in  
code cities.

Sec. 35A.33.070 *Budget—Hearing.* The council shall meet on the day fixed by section 35A.33.060 for the purpose of fixing the final budget of the city at the time and place designated in the notice thereof. Any taxpayer may appear and be heard for or against any part of the budget. The hearing may be continued from day to day but not later than the twenty-fifth day prior to commencement of the city's fiscal year.

Sec. 35A.33.075 *Budget Adoption.* Following conclusion of the hearing, and prior to the beginning of the fiscal year, the legislative body shall make such adjustments and changes as it deems necessary or proper and after determining the allowance in each item, department, classification and fund, and shall by ordinance, adopt the budget in its final form and content. Appropriations shall be limited to the total

Optional  
Municipal  
Code.

Budgets in  
code cities.

estimated revenues contained therein including the amount to be raised by ad valorem taxes and the unencumbered fund balances estimated to be available at the close of the current fiscal year. Such ordinances may adopt the final budget by reference: *Provided*, That the ordinance adopting such budget shall set forth in summary form the totals for each separate fund and for each department which operates from the appropriations of the same fund.

A complete copy of the final budget as adopted shall be transmitted to the division of municipal corporations in the office of the state auditor, and to the association of Washington cities.

Sec. 35A.33.080 *Emergency Expenditures—Non-debatable Emergencies.* Upon the happening of any emergency caused by violence of nature, casualty, riot, insurrection, war, or other unanticipated occurrence requiring the immediate preservation of order or public health, or for the restoration to a condition of usefulness of any public property which has been damaged or destroyed by accident, or for public relief from calamity, or in settlement of approved claims for personal injuries or property damage, or to meet mandatory expenditures required by laws enacted since the last annual budget was adopted, or to cover expenses incident to preparing for or establishing a new form of government authorized or assumed after adoption of the current budget, including any expenses incident to selection of additional or new officials required thereby, or incident to employee recruitment at any time, the city council, upon the adoption of an ordinance, by the vote of one more than the majority of all members of the legislative body, stating the facts constituting the emergency and the estimated amount required to meet it, may make the expenditures therefor without notice or hearing.

Sec. 35A.33.090 *Emergency Expenditures—Other Emergencies—Hearing.* If a public emergency which could not reasonably have been foreseen at the time of filing the preliminary budget requires the expenditure of money not provided for in the annual budget, and if it is not one of the emergencies specifically enumerated in section 35A.33.080, the city council before allowing any expenditure therefor shall adopt an ordinance stating the facts constituting the emergency and the estimated amount required to meet it and declaring that an emergency exists. Budgets in  
code cities.

Such ordinance shall not be voted on until five days have elapsed after its introduction, and for passage shall require the vote of one more than the majority of all members of the legislative body of the code city.

Any taxpayer may appear at the meeting at which the emergency ordinance is to be voted on and be heard for or against the adoption thereof.

Sec. 35A.33.100 *Emergency Expenditures—Warrants—Payments.* All expenditures for emergency purposes as provided in this chapter shall be paid by warrants from any available money in the fund properly chargeable with such expenditures. If, at any time, there is insufficient money on hand in a fund with which to pay such warrants as presented, the warrants shall be registered, bear interest and be called in the same manner as other registered warrants as prescribed in section 35A.21.110.

Sec. 35A.33.102 *Registered Warrants—Appropriations.* In adopting the final budget for any fiscal year, the council shall appropriate from estimated revenue sources available, a sufficient amount to pay the principal and interest on all outstanding registered warrants issued since the adoption of the last preceding budget except those issued and identified

Optional  
Municipal  
Code.Budgets in  
code cities.

as revenue warrants and except those for which an appropriation previously has been made: *Provided*, That no portion of the revenues which are restricted in use by law may be appropriated for the redemption of warrants issued against a utility or other special purpose fund of a self-supporting nature: *Provided further*, That all or any portion of the city's outstanding registered warrants may be funded into bonds in any manner authorized by law.

Sec. 35A.33.105 *Adjustment of Wages, Etc., of Employees Permissible Budget Notwithstanding.* Notwithstanding the appropriations for any salary, or salary range of any employee or employees adopted in a final budget, the legislative body of any code city may, by ordinance, change the wages, hours, and conditions of employment of any or all of its appointive employees if sufficient funds are available for appropriation to such purposes.

Sec. 35A.33.110 *Forms—Accounting—Supervision by State.* The division of municipal corporations in the office of the state auditor is empowered to make and install the forms and classifications required by this chapter to define what expenditures are chargeable to each budget class and to establish the accounting and cost systems necessary to secure accurate budget information.

Sec. 35A.33.120 *Funds—Limitations on Expenditures—Transfers and Adjustments.* The expenditures as classified and itemized in the final budget shall constitute the city's appropriations for the ensuing fiscal year. Unless otherwise ordered by a court of competent jurisdiction, and subject to further limitations imposed by ordinance of the code city, the expenditure of city funds or the incurring of current liabilities on behalf of the city shall be limited to the following:

(1) The total amount appropriated for each fund in the budget for the current fiscal year, without regard to the individual items contained therein, except that this limitation shall not apply to wage adjustments authorized by section 35A.33.105; and

Budgets in  
code cities.

(2) The unexpended appropriation balances of a preceding budget which may be carried forward from prior fiscal years pursuant to section 35A.33.150; and

(3) Funds received from the sale of bonds or warrants which have been duly authorized according to law; and

(4) Funds received in excess of estimated revenues during the current fiscal year, when authorized by an ordinance amending the original budget; and

(5) Expenditures required for emergencies, as authorized in sections 35A.33.080 and 35A.33.090.

Transfers between individual appropriations within any one fund may be made during the current fiscal year by order of the city's chief administrative officer subject to such regulations, if any, as may be imposed by the city council. Notwithstanding the provisions of RCW 43.09.210 or of any statute to the contrary, transfers, as herein authorized, may be made within the same fund regardless of the various offices, departments or divisions of the city which may be affected.

The city council, upon a finding that it is to the best interests of the code city to decrease, revoke or recall all or any portion of the total appropriations provided for any one fund, may, by ordinance, approved by the vote of one more than the majority of all members thereof, stating the facts and findings for doing so, decrease, revoke or recall all or any portion of an unexpended fund balance, and by said ordinance, or a subsequent ordinance adopted by a like majority, the moneys thus released may be reappropriated for another purpose or purposes,



Optional  
Municipal  
Code.

without limitation to department, division or fund, unless the use of such moneys is otherwise restricted by law, charter, or ordinance.

Budgets in  
code cities.

Sec. 35A.33.125 *Limitation on Expenditures—Void.* Liabilities incurred by any officer or employee of the city in excess of any budget appropriation shall not be a liability of the city. The clerk shall issue no warrant and the city council or other authorized person shall approve no claim for an expenditure in excess of any individual budget appropriation, as amended, except upon an order of a court of competent jurisdiction or for emergencies as provided in this chapter.

Sec. 35A.33.130 *Funds Received from Sales of Bonds and Warrants—Expenditures.* Moneys received from the sale of bonds or warrants shall be used for no other purpose than that for which they were issued and no expenditure shall be made for that purpose until the bonds have been duly authorized. If any unexpended fund balance remains from the proceeds realized from the bonds or warrants after the accomplishment of the purpose for which they were issued it shall be used for the redemption of such bond or warrant indebtedness. Where a 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 after the bonds have been duly authorized.

Sec. 35A.33.135 *Levy for Ad Valorem Tax.* At a time fixed by the city's ordinance or charter, not later than the first Monday in October of each year, the chief administrative officer shall provide the city's legislative body with current information on estimates of revenues from all sources as adopted in the budget for the current year, together with estimates submitted by the clerk under section 35A.33.050. The city's legislative body and the city's

administrative officer or his designated representative shall consider the city's total anticipated financial requirements for the ensuing fiscal year, and the legislative body shall determine and fix by ordinance the amount to be raised by ad valorem taxes. Upon adoption of the ordinance fixing the amount of ad valorem taxes to be levied, the clerk shall certify the same to the board of county commissioners as required by RCW 84.52.020.

Budgets in  
code cities.

Sec. 35A.33.140 *Funds—Quarterly Report of Status.* At such intervals as may be required by city charter or ordinance, however, being not less than quarterly, the clerk shall submit to the city's legislative body and chief administrative officer a report showing the expenditures and liabilities against each separate budget appropriation incurred during the preceding reporting period and like information for the whole of the current fiscal year to the first day of the current reporting period together with the unexpended balance of each appropriation. The report shall also show the receipts from all sources.

Sec. 35A.33.145 *Contingency Fund—Creation.* Every code city may create and maintain a contingency fund to provide moneys with which to meet any municipal expense, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting the annual budget, or from which to provide moneys for those emergencies described in sections 35A.33.080 and 35A.33.090. Such fund may be supported by a budget appropriation from any tax or other revenue source not restricted in use by law, or also may be supported by a transfer from other unexpended or decreased funds made available by ordinance as set forth in section 35A.33.120: *Provided,* That the total amount accumulated in such fund at any time shall not exceed the equivalent of one and one-half mills

Optional  
Municipal  
Code.

Budgets in  
code cities.

on each dollar of assessed valuation of property within the city at such time. Any moneys in the contingency fund at the end of the fiscal year shall not lapse except upon reappropriation by the council to another fund in the adoption of a subsequent budget.

Sec. 35A.33.146 *Contingency Fund—Withdrawals.* No money shall be withdrawn from the contingency fund except by transfer to the appropriate operating fund authorized by a resolution or ordinance of the council, adopted by a vote of the majority of the entire council, clearly stating the facts constituting the reason for the withdrawal or the emergency as the case may be, specifying the fund to which the withdrawn money shall be transferred.

Sec. 35A.33.150 *Unexpended Appropriations.* All appropriations in any current operating fund shall lapse at the end of each fiscal year: *Provided,* That this shall not prevent payments in the following year upon uncompleted programs or improvements in progress or on orders subsequently filled or claims subsequently billed for the purchase of material, equipment and supplies or for personal or contractual services not completed or furnished by the end of the fiscal year, all of which have been properly budgeted and contracted for prior to the close of such fiscal year but furnished or completed in due course thereafter.

All appropriations in a special fund authorized by ordinance or by state law to be used only for the purpose or purposes therein specified, including any cumulative reserve funds lawfully established in specific or general terms for any municipal purpose or purposes, or a contingency fund as authorized by section 35A.33.145, shall not lapse, but shall be carried forward from year to year until fully expended or the purpose has been accomplished or abandoned, without necessity of reappropriation.

The accounts for budgetary control for each fiscal year shall be kept open for twenty days after the close of such fiscal year for the purpose of paying and recording claims for indebtedness incurred during such fiscal year; any claim presented after the twentieth day following the close of the fiscal year shall be paid from appropriations lawfully provided for the ensuing period, including those made available by provisions of this section, and shall be recorded in the accounts for the ensuing fiscal year.

Budgets in  
code cities.

Sec. 35A.33.160 *Violations and Penalties.* Upon the conviction of any city official, department head or other city employee of knowingly failing, or refusing, without just cause, to perform any duty imposed upon such officer or employee by this chapter, or city ordinance or charter, in connection with the giving of notice, the preparing and filing of estimates of revenues or expenditures or other information required for preparing a budget report in the time and manner required, or of knowingly making expenditures in excess of budget appropriations, he shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars for each separate violation.

### Chapter 35A.35

#### INTERGOVERNMENTAL RELATIONS

Sec. 35A.35.010 *Joint Facilities and Agreements.* In addition to exercising all authority granted to cities of any class for joint or intergovernmental cooperation and activity and agreements for the acquisition, ownership, leasing, control, improvement, occupation and use of land or other property with a county, another city, or governmental agency, and in addition to authority granted to code cities by section 35A.11.040, every code city may exercise the powers relating to jails, places of detention, civic

Intergovern-  
mental rela-  
tions.

Optional  
Municipal  
Code.

centers, civic halls and armories as is authorized by chapters 36.64 and 38.20 RCW.

### Chapter 35A.36

Executions of  
bonds by proxy  
in code cities.

## EXECUTION OF BONDS BY PROXY IN CODE CITIES

Sec. 35A.36.010 *Appointment of Proxies.* The mayor, finance officer, city clerk, or other officer of a code city who is authorized or required by law, charter, or ordinance to execute bonds of the city or any subdivision or district thereof may designate one or more bonded persons to affix such officer's signature to any bond or bonds requiring his signature. If the signature of one of these officers is affixed to a bond during his continuance in office by a proxy designated by him whose authority has not been revoked, the bond shall be as binding upon the city and all concerned as though the officer had signed the bond in person. This chapter shall apply to all bonds, whether they constitute obligations of the city as a whole or of any local improvement or other district or subdivision thereof, whether they call for payment from the general funds of the city or from a local, special or other fund, and whether negotiable or otherwise.

Sec. 35A.36.020 *Coupons—Printing Facsimile Signatures.* A facsimile reproduction of the signature of any of the code city officers referred to in section 35A.36.010 may be printed, engraved, or lithographed upon bond coupons with the same effect as though the particular officer had signed the coupon in person.

Sec. 35A.36.030 *Deputies — Exemptions.* This chapter shall not be construed to require the appointment of deputy finance officers or deputy city clerks of code cities to be made in accordance with this chapter insofar as concerns signatures or other acts

which may lawfully be made or done by such deputy officer under the provisions of any other law.

Executions of  
bonds by proxy  
in code cities.

Sec. 35A.36.040 *Designation of Bonds To Be Signed.* The officer of a code city whose duty it is to cause any bonds to be printed, engraved, or lithographed, shall specify in a written order or requisition to the printer, engraver, or lithographer the number of bonds to be printed, engraved or lithographed and the manner of numbering them. Every printer, engraver, or lithographer who knowingly prints, engraves, or lithographs a greater number of bonds than that specified or who knowingly prints, engraves, or lithographs more than one bond bearing the same number shall be guilty of a felony.

Sec. 35A.36.050 *Liability of Officer.* A code city officer authorizing the affixing of his signature to a bond by a proxy shall be subject to the same liability personally and on his bond for any signature so affixed and to the same extent as if he had affixed his signature in person.

Sec. 35A.36.060 *Notice to Council.* In order to designate a proxy to affix his signature to bonds, a code city officer shall address a written notice to the legislative body of the city giving the name of the person whom he has selected therefor and stating generally or specifically what bonds are to be so signed.

Attached to or included in the notice shall be a written signature of the officer making the designation executed by the proposed proxy followed by the word "by" and his own signature; or, if the notice so states, the specimen signatures may consist of a facsimile reproduction of the officer's signature impressed by some mechanical process followed by the word "by" and the proxy's own signature.

Optional  
Municipal  
Code.

If the authority is intended to include the signature upon bonds bearing an earlier date than the effective date of the notice, the prior dated bonds must be specifically described by reasonable reference thereto.

Executions of  
bonds by proxy  
in code cities.

The notice designating a proxy shall be filed with the city finance officer or city clerk, together with the specimen signatures attached thereto and a record of the filing shall be made in the journal of the legislative body. This record shall note the date and hour of filing and may be made by the official who keeps the journal at any time after the filing of the notice, even during a period of recess or adjournment of the legislative body. The notice shall be effective from the time of its recording.

Sec. 35A.36.070 *Revocation of Proxy.* Any designation of a proxy may be revoked by written notice addressed to the legislative body of the code city signed by the officer who made the designation and filed and recorded in the same manner as the notice of designation. It shall be effective from the time of its recording but shall not affect the validity of any signatures theretofore made.

#### Chapter 35A.37

#### FUNDS, SPECIAL PURPOSE

Funds, special  
purpose.

Sec. 35A.37.010 *Segregating and Accounting.* Code cities shall establish such funds for the segregation, budgeting, expenditure and accounting for moneys received for special purposes as are required by general law applicable to such cities' activities and the officers thereof shall pay into, expend from, and account for such moneys in the manner provided therefor including but not limited to the requirements of the following:

(1) Accounting funds as required by RCW 35.37.010;

(2) Annexation and consolidation fund as required by chapters 35.10, 35.11, and 35.12 RCW and RCW 35.37.025; Funds, special purpose.

(3) Assessment fund as required by RCW 8.12.480;

(4) Equipment rental fund as authorized by RCW 35.21.088;

(5) Current expense fund as required by RCW 35.37.010, usually referred to as the general fund;

(6) Local improvement guaranty fund as required by RCW 35.54.010;

(7) An indebtedness and sinking fund, together with separate funds for utilities and institutions as required by RCW 35.37.020;

(8) Local improvement district fund and revolving fund as required by RCW 35.45.130 and 35.48.010;

(9) City street fund as required by chapter 35.76 RCW and RCW 47.24.040;

(10) Firemen's relief and pension fund as required by chapters 41.16 and 41.18 RCW;

(11) Policemen's relief and pension fund as required by RCW 41.20.130 and 63.32.030;

(12) First class cities' employees retirement and pension system as authorized by chapter 41.28 RCW;

(13) Applicable rules of the division of municipal corporations office of state auditor. RCW 43.09.190 through 43.09.282.

### Chapter 35A.38 CIVIL DEFENSE

Sec. 35A.38.010 *Local Organization.* A code city may participate in the creation of local organizations for civil defense, provide for mutual aid, and exercise all of the powers and privileges and perform all of the functions and duties, and the officers and employees thereof shall have the same powers, duties, rights, privileges and immunities as Civil defense.



Optional  
Municipal  
Code.

any city of any class, and the employees thereof, have in connection with civil defense as provided in chapter 38.52 RCW in the manner provided by said chapters or by general law.

### Chapter 35A.39

#### PUBLIC DOCUMENTS AND RECORDS

Public docu-  
ments and  
records.

Sec. 35A.39.010 *Legislative and Administrative Records.* Every code city shall keep a journal of minutes of its legislative meetings with orders, resolutions and ordinances passed, and records of the proceedings of any city department, division or commission performing quasi judicial functions as required by ordinances of the city and general laws of the state and shall keep such records open to the public as required by RCW 42.32.030 and shall keep and preserve all public records and publications or reproduce and destroy the same as provided by Title 40 RCW. Each code city shall provide three copies of each of its ordinances of general application to the association of Washington cities without charge and may duplicate and sell copies of its ordinances at fees reasonably calculated to defray the cost of such duplication and handling.

### Chapter 35A.40

#### FISCAL PROVISIONS APPLICABLE TO CODE CITIES

Fiscal provi-  
sions.

Sec. 35A.40.010 *Accounting—Funds—Indebtedness—Bonds.* Municipal accounts and funds, the contracting of indebtedness for municipal purposes and the issuance and payment of bonds therefor, the validation of preexisting obligations by the voters of a consolidated city, debt limitations, elections for authorization of the incurring of indebtedness, and provisions pertaining to the issuance, sale, payment, form, term, interest, funding and redemption of general obligation bonds and remedies for

nonpayment thereof are governed and controlled by the general law as contained in, but not limited to chapters 35.37, 39.40, 39.44, 39.52, 39.56, and 43.80 RCW, and are hereby recognized as applicable to code cities. As applied to code cities, the vote prescribed by RCW 35.37.040 for passage of an ordinance to contract indebtedness shall be construed to mean a majority of the whole membership of the legislative body.

Fiscal provisions.

Sec. 35A.40.020 *Code City May Elect To Use Bank Checks When Funds Are Solvent.* A code city, by ordinance, may adopt a policy for the payment of claims or other obligations of the city, which are payable out of solvent funds, electing either to pay such obligations by warrant, or to pay such obligations by bank check: *Provided*, That no check shall be issued when the applicable fund is not solvent at the time payment is ordered, but a warrant shall be issued therefor. When bank checks are to be used, the legislative body shall designate the bank whereon such checks are to be drawn, and the officers authorized or required to sign such checks. Wherever in this title, reference is made to warrants, such term shall include bank checks where authorized by this section.

Sec. 35A.40.030 *Fiscal—Depositaries.* The legislative body of a code city, at the end of each fiscal year, or at such other times as the legislative body may direct, shall designate one or more banks in the county wherein the code city is located as depository or depositories of the moneys required to be kept by the code city treasurer or other officer performing the duties commonly performed by the treasurer of a code city: *Provided*, That where any bank has been designated as a depository hereunder such designation shall continue in force until revoked by a majority vote of the legislative body of

Optional  
Municipal  
Code.

such code city. The provisions of general law relating to such depositaries, as contained in RCW 35.38.020, are hereby recognized as applicable to code cities and to the depositaries designated by them.

Fiscal provi-  
sions.

Sec. 35A.40.040 *Fiscal—Depositaries—Provisions of General Law Applicable.* The general law as contained in RCW 35.38.050 through 35.38.110, relating to the official bond of a city treasurer, a city official as officer, employee, or stockholder of a depositary, inclusion of "trust company" in the use of the word "bank", designation of a trustee for safekeeping of securities, procedure upon insolvency of a depositary, prohibition of a bank acting as trustee of its own securities, compensation of a trustee of securities, and the trustee's receipt, is hereby recognized as applicable to code cities.

Sec. 35A.40.050 *Fiscal—Investment of Funds.* Excess and inactive funds on hand in the treasury of any code city may be invested in the same manner and subject to the same limitations as provided for city and town funds in all applicable statutes, including, but not limited to the following: RCW 32.12.100, 33.52.010, 35.39.030, 35.39.040, 35.58.510, 35.81.070, 35.82.070, 36.29.020, 39.60.010, 39.60.020, 41.16.040, 68.12.060, 68.12.065, and 72.19.120.

The responsibility for determining the amount of money available in each fund for investment purposes shall be placed upon the department, division or board responsible for the administration of such fund.

Moneys thus determined available for this purpose may be invested on an individual fund basis or may, unless otherwise restricted by law be commingled within one common investment portfolio for the mutual benefit of all participating

funds: *Provided*, That if such moneys are commingled in a common investment portfolio, all income derived therefrom shall be apportioned among the various participating funds in direct proportion to the amount of money invested by each.

Fiscal provisions.

Any excess or inactive funds on hand in the city treasury not otherwise invested for the specific benefit of any particular fund, may be invested by the city treasurer in United States government bonds, notes, bills or certificates of indebtedness for the benefit of the general or current expense fund.

Sec. 35A.40.060 *Fiscal—Validation and Funding of Debts*. The provisions of general law contained in chapters 35.40 and 39.90 RCW, relating to the validation and funding of debts and elections pertaining thereto is hereby recognized as applicable to code cities.

Sec. 35A.40.070 *Fiscal—Municipal Revenue Bond Act*. All provisions of chapter 35.41 RCW, the Municipal Revenue Bond Act, shall be applicable and/or available to code cities.

Sec. 35A.40.080 *Bonds: Form, Terms, and Maturity*. In addition to any other authority granted by law, a code city shall have authority to ratify and fund indebtedness as provided by chapter 35.40 RCW; to issue revenue bonds, coupons and warrants as authorized by chapter 35.41 RCW; to authorize and issue local improvement bonds and warrants, installment notes and interest certificates as authorized by chapter 35.45 RCW; to fund indebtedness and to issue other bonds as authorized by chapters 39.44, 39.48, 39.52 RCW, RCW 39.56.020, and 39.56.030 in accordance with the procedures and subject to the limitations therein provided.

Sec. 35A.40.090 *Limitation on Indebtedness*. No code city shall incur an indebtedness exceeding one

Optional  
Municipal  
Code.

Fiscal provi-  
sions.

and one-half percent of the assessed valuation of the taxable property in such city without the assent of three-fifths of the voters therein voting at an election to be held for that purpose nor, with such assent, to exceed five percent on the value of the taxable property therein (being twice the assessed valuation) as ascertained by the last completed and balanced tax rolls of such city except as otherwise provided in chapter 39.36 RCW and subject to the provisions of this chapter and shall have the authority and be subject to the limitations provided in RCW 84.52.050 relating to levy of taxes within the forty mill limit.

Sec. 35A.40.100 *Bankruptcy, Readjustment and Relief from Debts.* A code city may exercise the powers and obtain the benefits relating to bankruptcy, readjustment and relief from debts as authorized by chapter 39.64 RCW in accordance with the procedures therein prescribed.

Sec. 35A.40.200 *General Law Relating to Public Works and Contracts.* Every code city shall have the authority to make public improvements and to perform public works under authority provided by general law for any class of city and to make contracts in accordance with procedure and subject to the conditions provided therefor, including but not limited to the provisions of: (1) Chapter 39.04 RCW, relating to public works; (2) RCW 35.23.352 relating to competitive bidding for public works, materials and supplies; (3) RCW 9.18.120 and 9.18.150 relating to suppression of competitive bidding; (4) chapter 60.28 RCW relating to liens for materials and labor performed; (5) chapter 39.08 RCW relating to contractor's bonds; (6) chapters 39.12, 39.16, and 43.03 RCW relating to prevailing wages; (7) chapter 49.12 RCW relating to hours of labor; (8) chapter 51.12 RCW relating to workmen's compensation; (9)

chapter 39.20 RCW relating to employment of certain aliens; (10) chapter 49.60 RCW relating to anti-discrimination in employment; (11) chapter 39.24 RCW relating to the use of Washington commodities; and (12) chapter 39.28 RCW relating to emergency public works.

Fiscal provisions.

### Chapter 35A.41

#### PUBLIC EMPLOYMENT

Public employment

Sec. 35A.41.010 *Retirement and Pension Systems for Code Cities Having a Population of More Than Twenty Thousand.* A code city having a population of more than twenty thousand inhabitants, or having been classed theretofore as a city of the first class may exercise all of the powers relating to retirement and pension systems for employees as authorized by section 35A.11.020 and by chapter 41.28 RCW in accordance with the procedures prescribed therein and subject to the limitations and penalties thereof.

Sec. 35A.41.020 *Public Employment and Civil Service.* Except as otherwise provided in this title, the general provisions relating to public employment, including hospitalization and medical aid as provided in chapter 41.04 RCW, and the application of federal social security for public employees, the acceptance of old age and survivors insurance as provided in chapters 41.47 and 41.48 RCW, military leave as provided in RCW 38.40.060, the application of industrial insurance as provided in Title 51 RCW, and chapter 43.100 RCW relating to training of law enforcement officers, shall apply to code cities. Any code city may retain any civil service system theretofore in effect in such city and may adopt any system of civil service which would be available to any class of city under general law.

Optional  
Municipal  
Code.

## Chapter 35A.42

PUBLIC OFFICERS AND AGENCIES,  
MEETINGS, DUTIES AND POWERS

Public officers  
and agencies,  
meetings,  
duties and  
powers.

Sec. 35A.42.010 *City Treasurer—Miscellaneous Authority and Duties.* In addition to authority granted and duties imposed upon code city treasurers by this title, code city treasurers, or the officers designated by charter or ordinance to perform the duties of a treasurer, shall have the duties and the authority to perform the following: (1) As provided in RCW 8.12.500 relating to bonds and compensation payments in eminent domain proceedings; (2) as provided in RCW 68.12.050 relating to cemetery improvement funds; (3) as provided in RCW 41.28.080 relating to custody of employees' retirement funds; (4) as provided in RCW 47.08.100 relating to the use of city street funds; (5) as provided in RCW 46.68.080 relating to motor vehicle funds; (6) as provided in RCW 46.81.050 relating to fines and bail forfeitures and additional assessments for driver education; (7) as provided in RCW 41.16.020 and chapter 41.20 RCW relating to police and firemen's relief and pension boards; (8) as provided in chapter 42.20 RCW relating to misappropriation of funds; and (9) as provided in chapter 39.60 RCW relating to investment of municipal funds. The treasurer shall be subject to the penalties imposed for the violation of any of such provisions. Where a provision of this title, or the general law, names the city treasurer as an officer of a board or other body, or assigns duties to a city treasurer, such position shall be filled, or such duties performed, by the officer of a code city who is performing the duties usually performed by a city treasurer, although he may not have that designation.

Sec. 35A.42.020 *Qualification, Removal, Code of Ethics, Duties.* Except as otherwise provided in this

title, every elective and appointive officer and all employees of code cities shall: (1) Be possessed of the qualifications and be subject to forfeiture of office, impeachment or removal and recall as provided in chapter 42.04 RCW and RCW 9.81.040; and (2) provide official bonds in accordance with the requirements of this title, and as required in compliance with chapters 42.08 and 48.28 RCW.

Public officers  
and agencies,  
meetings,  
duties and  
powers.

When vacancies in public offices in code cities shall occur the term of a replacement officer shall be fixed as provided in chapter 42.12 RCW. A public officer charged with misconduct as defined in chapter 42.20 RCW, shall be charged and, upon conviction, punished as provided for such misconduct in chapter 42.20 RCW. The officers and employees of code cities shall be guided and governed by the code of ethics as provided in chapter 42.23 RCW. Vouchers for the payment of public funds and the provisions for certifying the same shall be as provided in chapter 42.24 RCW. The meetings of any board, agency, or commission of a code city shall be open to the public to the extent and notice given in the manner required by chapter 42.32 RCW.

Sec. 35A.42.030 *Continuity of Government—Enemy Attack.* In the event that the mayor, manager or other chief executive officer of any code city is unavailable by reason of enemy attack to exercise the powers and to discharge the duties of his office, his successor or substitute shall be selected in the manner provided by RCW 42.14.050 subject to rules and regulations providing for the appointment of temporary interim successors adopted under RCW 42.14.070.

Sec. 35A.42.040 *City Clerks and Controllers.* In addition to any specific enumeration of duties of city clerks in a code city's charter or ordinances, and without limiting the generality of section 35A.21.030



Optional  
Municipal  
Code.

Public officers  
and agencies,  
meetings,  
duties and  
powers.

of this title, the clerks of all code cities shall perform the following duties in the manner prescribed, to wit: (1) Certification of city streets as part of the highway system in accordance with the provisions of RCW 47.24.010; (2) prepare statements of cancellation of registration as required by RCW 29.10.120; (3) perform the functions of a member of a firemen's pension board as provided by RCW 41.16.020; (4) keep a record of ordinances of the city and provide copies thereof as authorized by RCW 5.44.080; (5) serve as applicable the trustees of any police relief and pension board as authorized by RCW 41.20.010; and (6) serve as secretary-treasurer of volunteer firemen's relief and pension boards as provided in RCW 41.24.060.

Sec. 35A.42.050 *Public Officers and Employees: Conduct.* In addition to provisions of general law relating to public officials and others in public administration, employment or public works, the duties and conduct of such officers and other persons shall be governed by: (1) RCW 9.18.010 and 9.18.020 relating to bribery of a public officer; (2) Article II, section 30 of the Constitution of the state of Washington relating to bribery or corrupt solicitation; (3) RCW 35.17.150 relating to misconduct in code cities having a commission form of government; (4) chapter 42.23 RCW in regard to interest in contracts; (5) chapter 29.85 RCW relating to misconduct in connection with elections; (6) RCW 49.44.060 and 49.44.070 relating to grafting by employees; (7) RCW 49.44.020 and 49.44.030 relating to the giving or solicitation of a bribe to a labor representative; (8) chapter 42.20 RCW relating to misconduct of a public officer; (9) RCW 49.52.050 and 49.52.090 relating to rebating by employees; and (10) chapter 9.18 RCW relating to bribery and grafting.

## Chapter 35A.43

Local improve-  
ments.

## LOCAL IMPROVEMENTS IN CODE CITIES

Sec. 35A.43.010 *General Law Applicable to Code Cities.* Chapters 35.43, 35.44, 35.45, 35.47, 35.48, 35.49, 35.50, 35.53, 35.54, 35.55, and 35.56 RCW all relating to municipal local improvements and made applicable to all incorporated cities and towns by RCW 35.43.030 are hereby recognized as applicable to all code cities, and the provisions thereof shall supersede the provisions of any charter of a charter code city inconsistent therewith. The provisions of the chapters named in this section shall be effective as to charter code cities to the same extent as such provisions are effective as to cities of the first class, and all code cities may exercise, in the manner provided, any authority therein granted to any class of city.

Sec. 35A.43.020 *Public Lands Subject to Local Assessments.* In addition to the authority provided by chapter 35.44 RCW, and chapter 79.44 RCW, a code city may assess public lands for the cost of local improvements specially benefiting such lands.

## Chapter 35A.44

## CENSUS

Census.

Sec. 35A.44.010 *Population Determination.* The population of code cities shall be determined by specific purposes in accordance with any express provision of state law relating thereto. Where no express provision is made, the provisions of chapter 43.62 RCW relating to the state census board, the provisions of RCW 35.13.260 shall govern.

## Chapter 35A.46

## MOTOR VEHICLES

Motor vehicles.

Sec. 35A.46.010 *State Law Applicable.* The provisions of Title 46 of the Revised Code of Washington relating to regulation of motor vehicles

Optional  
Municipal  
Code.

Motor vehicles.

shall be applicable to code cities, its officers and employees to the same extent as such provisions grant powers and impose duties upon cities of any class, their officers and agents, including without limitation the following: (1) Authority to provide for angle parking on certain city streets designated as forming a route of a primary state highway as authorized in RCW 46.61.575; (2) application of city police regulations to port districts as authorized by RCW 53.08.230; (3) authority to establish local regulations relating to city streets forming a part of the state highway system as authorized by RCW 46.44.080; (4) authority to install and operate a station for the inspection of vehicle equipment in conformity with rules, regulations, procedure and standards prescribed by the Washington state patrol as authorized under RCW 46.32.030; (5) exemption from the payment of license fees for city owned vehicles as authorized by RCW 46.16.020 and 46.16.290; (6) authority to establish traffic schools as provided by chapter 46.83 RCW; and (7) authority to enforce the provisions of RCW 81.48.050 relating to railroad crossings.

## Chapter 35A.47

## HIGHWAYS AND STREETS

Highways and  
streets.

Sec. 35A.47.010 *Highways, Granting Land For.*  
A code city may exercise the powers relating to granting of property for state highway purposes as authorized by RCW 47.12.040 in accordance with the procedures therein prescribed.

Sec. 35A.47.020 *Streets: Acquisition, Standards of Design, Use, Vacation and Abandonment; Funds.*  
The designation of code city streets as a part of the state highway system, the jurisdiction and control of such streets, the procedure for acquisition or abandonment of rights of way for city streets and state highways, and the sale or lease of state

highway land or toll facility to a code city, the requirements for accounting and expenditure of street funds, and the authority for contracting for the construction, repair and maintenance of streets by the state or county shall be the same as is provided in RCW 36.75.090, chapters 47.08, 47.12, 47.24 and 47.56 RCW, and the regulation of signs thereon as provided in chapter 47.42 RCW. Code cities shall be regulated in the acquisition, construction, maintenance, use and vacation of alleys, city streets, parkways, boulevards and sidewalks and in the design standards therefor as provided in chapters 35.68 through 35.79, 35.85, and 35.86 RCW and RCW 79.01.428 relating to dedication of tidelands and shorelands to public use and in the use of state shared funds as provided by general law.

Highways and streets.

Sec. 35A.47.030 *Public Highways: Acquisition, Agreements, Transfers, Regulations.* The provisions of Title 47 RCW shall apply to code cities, its officers and employees to the same extent as such provisions are applicable to any other class of city within the state, including, without limitation, the following: (1) The acquisition by the state of municipal lands and the exchange of state highway and municipal lands, as provided in chapter 47.12 RCW; (2) the dedication of public land for city streets as provided by RCW 36.34.290 and 36.34.300; (3) the allocation of fines and forfeitures for highway violations as provided in RCW 46.68.050 and 47.08.030; (4) city contributions to finance toll facilities as provided in RCW 47.56.250; (5) contracts with the highway commission, as provided in RCW 47.01.210; (6) the construction, maintenance, jurisdiction, and control of city streets, as provided in chapter 47.24 RCW; (7) agreements between the highway commission and a city for the benefit or improvement of highways, roads, or streets, as provided in RCW 47.28.140; (8)

Optional  
Municipal  
Code.

Highways and  
streets.

sales, leases, or transfers as authorized by RCW 47.12.070 and 47.12.080; (9) the erection of information signs as regulated by RCW 47.42.050 and 47.42.060; (10) provisions relating to limited access highways under chapters 47.52 and 47.54 RCW; (11) the acquisition and abandonment for state highways as provided by RCW 36.75.090 and 90.28.020; and (12) the sharing of maintenance of streets and alleys as an extension of county roads as provided by RCW 35.77.020.

Sec. 35A.47.040 *Franchises and Permits: Streets and Public Ways.* Every code city shall have authority to permit and regulate under such restrictions and conditions as it may set by charter or ordinance and to grant nonexclusive franchises for the use of public streets, bridges or other public ways, structures or places above or below the surface of the ground for railroads and other routes and facilities for public conveyances, for poles, conduits, tunnels, towers and structures, pipes and wires and appurtenances thereof for transmission and distribution of electrical energy, signals and other methods of communication, for gas, steam and liquid fuels, for water, sewer and other private and publicly owned and operated facilities for public service. The power hereby granted shall be in addition to the franchise authority granted by general law to cities.

No ordinance or resolution granting any franchise in a code city for any purpose shall be adopted or passed by the city's legislative body on the day of its introduction nor for five days thereafter, nor at any other than a regular meeting nor without first being submitted to the city attorney, nor without having been granted by the approving vote of at least a majority of the entire legislative body, nor without being published at

least once in a newspaper of general circulation in the city before becoming effective. Highways and streets.

The city council may require a bond in a reasonable amount for any person or corporation obtaining a franchise from the city conditioned upon the faithful performance of the conditions and terms of the franchise and providing a recovery on the bond in case of failure to perform the terms and conditions of the franchise.

A code city may exercise the authority hereby granted, notwithstanding a contrary limitation of any preexisting charter provision.

#### Chapter 35A.49

### LABOR AND SAFETY REGULATIONS

Labor and safety regulations.

Sec. 35A.49.010 *Labor Regulations; Safety Regulations, Discrimination In Employment, Hours, Wages.* Provisions of state laws relating to labor and safety regulations as provided in Title 49 RCW shall apply to code cities to the same extent as such laws apply to other classes of cities.

#### Chapter 35A.56

### LOCAL SERVICE DISTRICTS

Local service districts.

Sec. 35A.56.010 *Laws Relating to Special Service Districts, Application to Code Cities.* Except as otherwise provided in this title, state laws relating to special service or taxing districts shall apply to, grant powers, and impose duties upon code cities and their officers to the same extent as such laws apply to and affect other classes of cities and towns and their employees, including, without limitation, the following: (1) Chapter 70.94 RCW, relating to air pollution control; (2) chapter 47.57 RCW, relating to toll facility aid districts; (3) chapter 68.16 RCW, relating to cemetery districts; (4) chapters 91.04 through 91.07 RCW, relating to commercial waterway districts; (5) chapter 29.68

Optional  
Municipal  
Code.

Local service  
districts.

RCW, relating to congressional districts; (6) chapters 14.07 and 14.08 RCW, relating to municipal airport districts; (7) chapter 36.88 RCW, relating to county road improvement districts; (8) Title 85 RCW, relating to diking districts, drainage districts, and drainage improvement districts; (9) chapter 36.54 RCW, relating to ferry districts; (10) Title 52 RCW, relating to fire protection districts; (11) Title 86 RCW, relating to flood control districts and flood control; (12) chapter 70.46 RCW, relating to health districts; (13) chapters 87.03 through 87.84 and 89.12 RCW, relating to irrigation districts; (13) Title 78 RCW, relating to mining; (14) chapter 35.61 RCW, relating to metropolitan park districts; (15) chapter 35.58 RCW relating to metropolitan municipalities; (16) chapter 17.28 RCW, relating to mosquito control districts; (17) chapter 17.12 RCW, relating to agricultural pest districts; (18) chapter 13.12 RCW, relating to parental or truant schools; (19) Title 53 RCW, relating to port districts; (20) chapter 70.44 RCW, relating to public hospital districts; (21) Title 54 RCW, relating to public utility districts; (22) chapter 91.08 RCW, relating to public waterway districts; (23) Title 56 RCW for sewer districts; (24) chapter 89.12 RCW, relating to reclamation districts; (25) chapters 57.02 through 57.36 and 87.60 RCW, relating to water districts; (26) chapter 91.04 RCW, relating to commercial waterway districts; and (27) chapter 17.04 RCW, relating to weed districts.

#### Chapter 35A.57

### INCLUSION OF CODE CITIES IN METROPOLITAN MUNICIPAL CORPORATIONS

Inclusion of  
code cities in  
metropolitan  
municipal cor-  
porations.

Sec. 35A.57.010 *Code City May Be Component City of Metropolitan Municipal Corporation.* Any code city may become a component city of a

metropolitan municipal corporation organized as provided in chapter 35.58 RCW, and, upon becoming such component city, shall be subject to the provisions of chapter 35.58 RCW. Adoption of this title by any city which is part of a metropolitan municipal corporation shall in no way affect the status of such city as a component city of a metropolitan municipal corporation.

Inclusion of code cities in metropolitan municipal corporations.

Sec. 35A.57.020 *Metropolitan Municipal Corporations—May Be Formed Around Charter Code City.* Any area of the state containing two or more cities, at least one of which is a code city having at least ten thousand population, may organize as a metropolitan municipal corporation. The presence in such area of a code city having at least ten thousand population, shall fulfill the requirement of RCW 35.58.030 as to the class of city required to be included in an area incorporating as a metropolitan municipal corporation.

#### Chapter 35A.58

#### BOUNDARIES AND PLATS

Boundaries and plats.

Sec. 35A.58.010 *Locating Corners and Boundaries.* General laws shall govern the methods, procedures, and standards for surveying, establishing corners and boundaries, describing and perpetuating and recording information and descriptions relating thereto. The boundaries and corners of sections, parcels, plats, and subdivisions of land within a code city, may be surveyed, established, relocated, and perpetuated whenever a majority of the resident owners of any section or part or parts of any section of land within the city makes application in accordance with the provisions of chapter 58.04 RCW.

Sec. 35A.58.020 *Alteration and Vacation of Plats.* The provisions of chapters 58.11 and 58.12 RCW shall apply in appropriate cases to the



Optional  
Municipal  
Code.

alteration or vacation of plats including land or lots within a code city or the vacation of streets therein as provided in chapter 35.79 RCW. The vacation of waterways within a code city shall be governed by the provisions of chapter 79.16 RCW.

Boundaries  
and plats.

Sec. 35A.58.030 *Platting and Subdivision of Land.* The provisions of chapter 58.16 RCW together with the provisions of a code city's subdivision regulations as adopted by ordinance not inconsistent with the provisions of chapter 58.16 RCW shall control the platting and subdividing of land into lots or tracts comprising five or more of such lots or tracts or containing a dedication of any part thereof as a public street or highway, or other public place or use: *Provided*, That nothing herein shall prohibit the legislative body of a code city from adopting reasonable ordinances regulating the subdivision of land into two or more parcels without requiring compliance with all of the requirements of the platting law.

## Chapter 35A.60

## LIENS

Liens.

Sec. 35A.60.010 *General Law Applicable.* The general law relating to liens including but not limited to the provisions of Title 60 RCW, as the same relates to cities of any class shall apply to code cities. Every code city may exercise the authority to perform services to property within the city and to claim and foreclose liens allowed therefor by general laws for any class of city including but not limited to the following provisions: (1) Chapter 35.80 RCW, relating to unfit dwellings, buildings and structures; (2) RCW 35.22.320, relating to the cost of filling cesspools; (3) RCW 35.85.030, relating to assessment liens for viaducts, elevated roadways, tunnels, and subways; (4) RCW 35.21.130, 35.21.140, 35.21.150, and 35.22.320 for garbage collection; (5)

chapters 35.50, 35.55 and 35.56 RCW relating to enforcement of local improvement liens; (6) RCW 35.73.050 relating to the expense of sanitary fills; (7) RCW 35.67.200 through 35.67.290, relating to sewerage systems and service; (8) RCW 35.68.070, 35.69.030, 35.70.090, relating to sidewalks; (9) RCW 35.49.120 through 35.49.160, relating to priority of tax liens; (10) RCW 35.21.290 and 35.21.300, providing for liens for utility services; (11) chapter 84.60 RCW relating to lien of taxes upon property; (12) RCW 4.16.030, relating to foreclosure of local improvement liens; (13) chapter 60.76 RCW, relating to lien of employees for contribution to benefit plans; and (14) chapter 60.28 RCW, relating to lien for labor and materials on public works.

#### Chapter 35A.61

##### METROPOLITAN PARK DISTRICTS

Metropolitan  
park districts.

Sec. 35A.61.010 *Metropolitan Park Districts.* Charter code cities and such contiguous property the residents of which may decide in favor thereof in the manner set forth in chapter 35.61 RCW, may create a metropolitan park district for the management, control, improvement, maintenance, and acquisition of parks, parkways, and boulevards in the manner provided in chapter 35.61 RCW, subject to the provisions of said chapter, which shall be effective as to such charter code city to the same extent as such provisions are applicable to first class cities included in such a metropolitan park district as authorized by said chapter.

#### Chapter 35A.63

##### PLANNING AND ZONING IN CODE CITIES

Planning and  
zoning in code  
cities.

Sec. 35A.63.010 *Definitions.* The following words or terms as used in this chapter shall have the meanings set forth below unless different meanings are clearly indicated by the context:

Optional  
Municipal  
Code.

Planning and  
zoning in code  
cities.

(1) "Chief administrative officer" means the mayor in code cities operating under the mayor-council and commission forms, the city manager in code cities operating under the council-manager forms, or such other officer as the charter of a charter code city designates as the chief administrative officer.

(2) "City" means an incorporated city or town.

(3) "Code city" is used where the application of this chapter is limited to a code city; where joint, regional, or cooperative action is intended, a code city may be included in the unrestricted terms "city" or "municipality".

(4) "Comprehensive plan" means the policies and proposals approved by the legislative body as set forth in sections 35A.63.060 through 35A.63.072 of this chapter and containing, at least, the elements set forth in section 35A.63.061.

(5) "Legislative body" means a code city council, a code city commission, and, in cases involving regional or cooperative planning or action, the governing body of a municipality.

(6) "Municipality" includes any code city and, in cases of regional or cooperative planning or action, any city, town, township, county, or special district.

(7) "Ordinance" means a legislative enactment by the legislative body of a municipality; in this chapter "ordinance" is synonymous with the term "resolution" when "resolution" is used as representing a legislative enactment.

(8) "Planning agency" means any person, body, or organization designated by the legislative body to perform a planning function or portion thereof for a municipality, and includes, without limitation, any commission, committee, department, or board together with its staff members, employees, agents, and consultants.

(9) "Special district" means that portion of the state, county, or other political subdivision created under general law for rendering of one or more local public services or for administrative, educational, judicial, or political purposes.

Planning and zoning in code cities.

Sec. 35A.63.020 *Planning Agency—Creation and Powers and Duties.* By ordinance a code city may create a planning agency and provide for its membership, organization, and expenses. The planning agency shall serve in an advisory capacity to the chief administrative officer or the legislative body, or both, as may be provided by ordinance and shall have such other powers and duties as shall be provided by ordinance.

Sec. 35A.63.030 *Joint Meetings and Cooperative Action.* Pursuant to the authorization of the legislative body, a code city planning agency may hold joint meetings with one or more city or county planning agencies (including city or county planning agencies in adjoining states) in any combination and may contract with another municipality for planning services. A code city may enter into cooperative arrangements with one or more municipalities for jointly engaging a planning director and such other employees as may be required to operate a joint planning staff.

Sec. 35A.63.040 *Regional Planning.* A code city with one or more adjoining municipalities, otherwise authorized by law to plan, including municipalities of adjoining states, when empowered by ordinances of their respective legislative bodies, may cooperate to form, organize, and administer a regional planning commission to prepare a comprehensive plan and perform other planning functions for the region defined by agreement of the respective municipalities. A code city may also

Optional  
Municipal  
Code.

cooperate with any department or agency of a state government having planning functions.

Planning and  
zoning in code  
cities.

Sec. 35A.63.050 *Receipt and Expenditure of Funds.* Any code city or any regional planning commission that includes a code city, when authorized by the legislative bodies of the municipalities represented by the regional planning commission, may enter into an agreement with any department or agency of the government of the United States or the state of Washington, or its agencies or political subdivisions, or any other public or private agency, to arrange for the receipt and expenditure of funds for planning in the interest of furthering the planning program.

Sec. 35A.63.060 *Comprehensive Plan—General.* Every code city, by ordinance, shall direct the planning agency to prepare a comprehensive plan for anticipating and influencing the orderly and coordinated development of land and building uses of the code city and its environs. The comprehensive plan may be prepared as a whole or in successive parts.

Sec. 35A.63.061 *Comprehensive Plan—Required Elements.* The comprehensive plan shall be in such form and of such scope as the code city's ordinance or charter may require. It may consist of a map or maps, diagrams, charts, reports and descriptive and explanatory text or other devices and materials to express, explain, or depict the elements of the plan; and it shall include a recommended plan, scheme, or design for each of the following elements:

(1) A land-use element that designates the proposed general distribution, general location, and extent of the uses of land. These uses may include, but are not limited to, agricultural, residential, commercial, industrial, recreational, educational, public, and other categories of public and private

uses of land. The land-use element shall also include estimates of future population growth in, and statements of recommended standards of population density and building intensity for, the area covered by the comprehensive plan.

Planning and zoning in code cities.

(2) A circulation element consisting of the general location, alignment, and extent of existing and proposed major thoroughfares, major transportation routes, and major terminal facilities, all of which shall be correlated with the land-use element of the comprehensive plan.

Sec. 35A.63.062 *Comprehensive Plan—Optional Elements.* The comprehensive plan may include also any or all of the following optional elements:

(1) A conservation element for the conservation, development, and utilization of natural resources.

(2) An open space, park, and recreation element.

(3) A transportation element showing a comprehensive system of surface, air, and water transportation routes and facilities.

(4) A public-use element showing general locations, designs, and arrangements of public buildings and uses.

(5) A public utilities element showing general plans for public and franchised services and facilities.

(6) A redevelopment or renewal element showing plans for the redevelopment or renewal of slum and blighted areas.

(7) An urban design element for general organization of the physical parts of the urban landscape.

(8) Other elements dealing with subjects that, in the opinion of the legislative body, relate to the development of the municipality, or are essential or desirable to coordinate public services and programs with such development.

Optional  
Municipal  
Code.

Planning and  
zoning in code  
cities.

Sec. 35A.63.070 *Comprehensive Plan—Notice and Hearing.* After preparing the comprehensive plan, or successive parts thereof, as the case may be, the planning agency shall hold at least one public hearing on the comprehensive plan or successive part. Notice of the time, place, and purpose of such public hearing shall be given as provided by ordinance and including at least one publication in a newspaper of general circulation delivered in the code city and in the official gazette, if any, of the code city, at least ten days prior to the date of the hearing. Continued hearings may be held at the discretion of the planning agency but no additional notices need be published.

Sec. 35A.63.071 *Comprehensive Plan—Forwarding to Legislative Body.* Upon completion of the hearing or hearings on the comprehensive plan or successive parts thereof, the planning agency, after making such changes as it deems necessary following such hearing, shall transmit a copy of its recommendations for the comprehensive plan, or successive parts thereof, to the legislative body through the chief administrative officer, who shall acknowledge receipt thereof and direct the clerk to certify thereon the date of receipt.

Sec. 35A.63.072 *Comprehensive Plan—Approval By Legislative Body.* Within sixty days from its receipt of the recommendation for the comprehensive plan, as above set forth, the legislative body at a public meeting shall consider the same. The legislative body within such period as it may by ordinance provide, shall vote to approve or disapprove or to modify and approve, as modified, the comprehensive plan or to refer it back to the planning agency for further proceedings, in which case the legislative body shall specify the time within which the planning agency shall report back to the legisla-

tive body its findings and recommendations on the matters referred to it. The final form and content of the comprehensive plan shall be determined by the legislative body. An affirmative vote of not less than a majority of total members of the legislative body shall be required for adoption of a resolution to approve the plan or its parts. The comprehensive plan, or its successive parts, as approved by the legislative body, shall be filed with an appropriate official of the code city and shall be available for public inspection.

Planning and zoning in code cities.

Sec. 35A.63.073 *Comprehensive Plan—Amendments and Modifications.* All amendments, modifications, or alterations in the comprehensive plan or any part thereof shall be processed in the same manner as set forth in sections 35A.63.070 through 35A.63.072.

Sec. 35.A.63.080 *Comprehensive Plan—Effect.* From the date of approval by the legislative body the comprehensive plan, its parts and modifications thereof, shall serve as a basic source of reference for future legislative and administrative action: *Provided,* That the comprehensive plan shall not be construed as a regulation of property rights or land uses: *Provided, further,* That no procedural irregularity or informality in the consideration, hearing, and development of the comprehensive plan or a part thereof, or any of its elements, shall affect the validity of any zoning ordinance or amendment thereto enacted by the code city after the approval of the comprehensive plan.

The comprehensive plan shall be consulted as a preliminary to the establishment, improvement, abandonment, or vacation of any street, park, public way, public building, or public structure, and no dedication of any street or other area for public use shall be accepted by the legislative body until the location, character, extent, and effect thereof shall



Optional  
Municipal  
Code.

Planning and  
zoning in code  
cities.

have been considered by the planning agency with reference to the comprehensive plan. The legislative body shall specify the time within which the planning agency shall report and make a recommendation with respect thereto. Recommendations of the planning agency shall be advisory only.

Sec. 35A.63.100 *Municipal Authority.* After approval of the comprehensive plan, as set forth above, the legislative body, in developing the municipality and in regulating the use of land, may implement or give effect to the comprehensive plan or parts thereof by ordinance or other action to such extent as the legislative body deems necessary or appropriate. Such ordinances or other action may provide for:

(1) Adoption of an official map and regulations relating thereto designating locations and requirements for one or more of the following: Streets, parks, public buildings, and other public facilities, and protecting such sites against encroachment by buildings and other physical structures.

(2) Dividing the municipality, or portions thereof, into appropriate zones within which specific standards, requirements, and conditions may be provided for regulating the use of public and private land, buildings, and structures, and the location, height, bulk, number of stories, and size of buildings and structures, size of yards, courts, open spaces, density of population, ratio of land area to the area of buildings and structures, setbacks, area required for off-street parking, and such other standards, requirements, regulations, and procedures as are appropriately related thereto. The ordinance encompassing the matters of this subsection is hereinafter called the "zoning ordinance". No zoning ordinance, or amendment thereto, shall be enacted by the legislative body without at least one public hearing, notice of which shall be given as set forth

in section 35A.63.070. Such hearing may be held before the planning agency or the board of adjustment or such other body as the legislative body shall designate.

Planning and zoning in code cities.

(3) Adoption of design standards, requirements, regulations, and procedures for the subdivision of land into two or more parcels, including, but not limited to, the approval of plats, dedications, acquisitions, improvements, and reservation of sites for public use.

(4) Scheduling public improvements on the basis of recommended priorities over a period of years, subject to periodic review.

(5) Such other matters as may be otherwise authorized by law or as the legislative body deems necessary or appropriate to effectuate the goals and objectives of the comprehensive plan or parts thereof and the purposes of this chapter.

Sec. 35A.63.110 *Board of Adjustment—Powers and Duties.* A code city, by ordinance, shall create a board of adjustment and provide for its membership, terms of office, organization, jurisdiction. The action of the board of adjustment shall be final and conclusive, unless, within ten days from the date of the action, the original applicant or an adverse party makes application to the superior court for the county in which that city is located for a writ of certiorari, a writ of prohibition, or a writ of mandamus. No member of the board of adjustment shall be a member of the planning agency or the legislative body. Subject to conditions, safeguards, and procedures provided by ordinance, the board of adjustment may be empowered to hear and decide:

(1) Appeals from orders, recommendations, permits, decisions, or determinations made by a code city official in the administration or enforcement of the provisions of this chapter or any ordinances adopted pursuant to it.

Optional  
Municipal  
Code.

Planning and  
zoning in code  
cities.

(2) Applications for variances from the terms of the zoning ordinance, the official map ordinance or other land-use regulatory ordinances under procedures and conditions prescribed by city ordinance, which among other things shall provide that no application for a variance shall be granted unless the board of adjustment finds:

(a) the variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and

(b) that such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

(c) that the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

(3) Applications for conditional-use permits, unless such applications are to be heard and decided by the planning agency. A conditional use means a use listed among those classified in any given zone but permitted to locate only after review as herein provided in accordance with standards and criteria set forth in the zoning ordinance.

(4) Such other quasi judicial and administrative determinations as may be delegated by ordinance.

In deciding any of the matters referred to in subsections (1), (2), (3), and (4) of this section, the board of adjustment shall issue a written report giving the reasons for its decision.

Sec. 35A.63.120 *Administration and Enforcement.* In order to carry into effect the purposes of this chapter, administrative and enforcement responsibilities, other than those set forth in section 35A.63.110, may be assigned by ordinance to such departments, boards, officials, employees, or agents as the legislative body deems appropriate.

Planning and zoning in code cities.

Sec. 35A.63.130 *Provisions Inconsistent with Charters.* Insofar as the provisions of an existing charter of a municipality are inconsistent with this chapter, a municipality may exercise the authority, or any part thereof, granted by this chapter notwithstanding the inconsistent provision of an existing charter.

Sec. 35A.63.140 *Duties and Responsibilities Imposed by Other Acts.* Any duties and responsibilities which by other statutes are imposed upon a planning commission may, in a code city, be performed by a planning agency, as provided in this chapter.

Sec. 35A.63.150 *Public Hearings.* The legislative body may provide by ordinance for such additional public hearings and notice thereof as it deems to be appropriate in connection with any action contemplated under this chapter.

Sec. 35A.63.160 *Construction.* This title is intended to implement and preserve to code cities all powers authorized by Article XI, section 11 of the Constitution of the state of Washington and the provision of this title shall not limit any code city from exercising its constitutionally granted power to plan for and to make and enforce within its limits all such local police, sanitary, and other regulations in the manner that its charter or ordinances may provide.

Optional  
Municipal  
Code.

Chapter 35A.64

PUBLIC PROPERTY, REAL AND PERSONAL

Public  
property

Sec. 35A.64.010 *Acquisition of by Conditional Sales Contracts.* A code city may exercise the powers relating to acquisition of real or personal property under executory conditional sales contracts as authorized by RCW 39.30.010.

Sec. 35A.64.020 *Purchase of Products Made by Blind.*

A code city may exercise the powers relating to the acquisition of products made by the blind as authorized by RCW 19.06.020.

Sec. 35A.64.180 *Disinfection of Property.* Every code city shall disinfect or destroy all infected trees or shrubs growing upon public property within the city's jurisdiction and may expend city funds in carrying out the provisions of this section, and shall otherwise be governed by the provisions of chapter 15.08 RCW relating to horticultural pests and diseases.

Sec. 35A.64.200 *Eminent Domain by Cities.* A code city may exercise all powers relating to eminent domain as authorized by chapters 8.12 and 8.28 RCW in accordance with the procedures therein prescribed and subject to any limitations therein provided.

Chapter 35A.65

PUBLICATION AND PRINTING

Publication  
and printing.

Sec. 35A.65.010 *Public Printing.* All printing, binding and stationery work done for any code city shall be done within the state and all proposals, requests and invitations to submit bids, prices or contracts thereon and all contracts for such work shall so stipulate subject to the limitations contained in RCW 43.78.130 and 35.23.352.

Sec. 35A.65.020 *Publication of Legal Notice.* The publication of a legal notice required by general law or by a code city ordinance shall be in a newspaper of general circulation within the city having the qualifications prescribed by chapter 65.16 RCW and shall be governed by the provisions thereof as the same relate to a city of any class.

Publication  
and printing.

### Chapter 35A.66

#### HEALTH AND SAFETY—ALCOHOL

Sec. 35A.66.010 *Alcoholism — Standards for Institutions.* In addition to regulating the use of alcoholic beverages, a code city may exercise the powers relating to prescribing standards for institutions for treating alcoholism as authorized by RCW 71.12.550.

Health and  
safety—  
Alcohol.

Sec. 35A.66.020 *Liquors, Local Option on Sale of: Enforcement of State Laws, Sharing Proceeds of Liquor Profits and Excise Tax.* The qualified electors of any code city may petition for an election upon the question of whether the sale of liquor shall be permitted within the boundaries of such city as provided by chapter 66.40 RCW, and shall be governed by the procedure therein, and may regulate music, dancing and entertainment as authorized by RCW 66.28.080: *Provided,* That every code city shall enforce state laws relating to the investigation and prosecution of all violations of Title 66 RCW relating to control of alcoholic beverages and shall be entitled to retain the fines collected therefrom as therein provided. Every code city shall also share in the allocation and distribution of liquor profits and excise as provided in RCW 82.08.170, 66.08.190, and 66.08.210, and make reports of seizure as required by RCW 66.32.090, and otherwise regulate by ordinances not in conflict with state law or liquor board regulations.

Optional  
Municipal  
Code.

### Chapter 35A.67

## RECREATION AND PARKS

Recreation and  
parks.

Sec. 35A.67.010 *Parks, Beaches and Camps.* In addition to exercising all powers relating to the acquisition of land, the improvement and operation thereof, or cooperation with other taxing districts in connection with park or recreation facilities, any code city may exercise the powers relating to acquisition and operation of recreational facilities, establishment and operation of public camps, and contracting with other taxing or governmental agencies for the acquisition or operation of public parks, camps and recreational facilities as authorized by chapter 67.20 RCW, in accordance with the procedures prescribed in and authorized by RCW 79.08.080 and 79.08.090 in the application for use of state-owned tide or shorelands for a municipal park or playground purposes.

### Chapter 35A.68

## CEMETERIES AND MORGUES

Cemeteries and  
morgues.

Sec. 35A.68.010 *Acquisition: Care and Investment of Funds.* A code city may exercise the powers to acquire, own, improve, manage, operate and regulate real and personal property for the operation of the city morgue, cemetery or other place for the burial of the dead, to create cemetery boards or commissions, to establish and manage funds for cemetery improvement and care and to make all necessary or desirable rules and regulations concerning the control and management of burial places and the investment of funds relating thereto and accounting therefor as is authorized by chapter 68.12 RCW, RCW 35.22.280, 35.23.440, 35.24.300 and 35.27.370(2) in accordance with the procedures and requirements prescribed by said laws and authority to be included within a cemetery

district as authorized and conformed to the requirements of Title 68 RCW.

Chapter 35A.69  
FOOD AND DRUG

Food and drug.

Sec. 35A.69.010 *General Laws Applicable.* Every code city shall have the powers, perform the functions and duties and enforce the regulations prescribed by general laws relating to food and drugs for any class of city as provided by Title 69 RCW; relating to inspection of foods, meat, dairies, and milk as provided by RCW 15.36.560, 16.49.030, 16.49.120, and 15.36.510; relating to water pollution control as provided by chapter 90.48 RCW; and relating to shellfish as provided by RCW 75.08.150.

Chapter 35A.70  
HEALTH AND SAFETY

Health and safety.

Sec. 35A.70.010 *Waters within City—City's Water Supply.* Every code city shall have authority to protect waters within the city or comprising part of the city's water supply pursuant to the authority provided therefor by RCW 9.66.050, 54.16.050, 56.08.010, 69.30.130, 57.08.010, 8.12.030, 70.54.010 and 70.54.030.

Sec. 35A.70.020 *Regulating Boarding Homes.* A code city may exercise the powers relating to enforcement of regulations for boarding homes as authorized by RCW 18.20.100, in accordance with the procedures therein prescribed and subject to any limitations therein provided.

Sec. 35A.70.030 *Boats and Vessels, Quarantine.* A code city may exercise the powers relating to quarantine of boats, vessels and passengers as authorized by chapter 70.16 RCW in accordance with the procedures therein prescribed and subject to any limitations therein provided.



Optional  
Municipal  
Code.

Sec. 35A.70.040 *Buildings, Construction Standards.* In addition to other provisions of the law granting authority and imposing duties, a code city may exercise the powers relating to providing standards for the construction of buildings as provided in chapter 70.86 RCW and shall report the issuance of building permits for new construction as required by RCW 36.21.040 through 36.21.060.

Health and  
safety.

Sec. 35A.70.050 *City Electrical Code—State Safety Regulations.* Every code city may adopt ordinances regulating or otherwise controlling the installation of electrical wiring, equipment, apparatus or appliances as authorized by RCW 19.28.360 and by other general law and shall obey, observe and comply with every order, approval, direction or requirement made by the director or the commission under authority of chapter 19.29 RCW.

Sec. 35A.70.060 *Elevators, Moving Walks.* All conveyances owned or operated by code cities as defined by the provisions of chapter 70.87 RCW, shall be subject to the provisions of that chapter to the extent specifically provided for therein.

Sec. 35A.70.070 *Mental Illness and Vital Statistics, General Laws Applicable.* Every code city may exercise the powers authorized and shall perform the duties imposed upon cities of like population relating to the public health and safety as provided by Title 70 RCW and, without limiting the generality of the foregoing, shall: (1) Organize boards of health and appoint a health officer with the authority, duties and functions as provided in chapter 70.04 RCW, or provide for combined city-county health departments as provided and in accordance with the provisions of chapter 70.08 RCW; (2) contribute and participate in public health pooling funds as authorized by chapter 70.12

RCW; (3) perform the functions and provide health precautions at seaports as required by chapter 70.16 RCW; (4) procure pesthouses and to provide quarantines and miscellaneous other health precautions as authorized by chapter 70.20 RCW; (5) control and provide for treatment of venereal diseases as authorized by chapter 70.24 RCW; (6) provide for the care and control of tuberculosis as provided in chapters 70.28, 70.30, 70.32, and 70.54 RCW; (7) participate in health districts as authorized by chapter 70.46 RCW; (8) exercise control over water pollution as provided in chapter 35.88 RCW; (9) for all code cities having a population of more than twenty thousand serve as a primary district for registration of vital statistics in accordance with the provisions of chapter 70.58 RCW and RCW 43.20.090; (10) enforce the provisions of chapter 70.70 RCW relating to the control of shoddy; (11) observe and enforce the provisions relating to fireworks as provided in chapter 70.77 RCW; (12) enforce the provisions relating to swimming pools provided in chapter 70.90 RCW; (13) enforce the provisions of chapter 18.20 RCW when applicable; (14) perform the functions relating to mentally ill prescribed in chapters 72.06 and 71.12 RCW; (15) cooperate with the state department of health in mosquito control as authorized by RCW 70.22.060; and (16) inspect nursing homes as authorized by RCW 18.51.020.

Health and  
safety.

#### Chapter 35A.74

#### WELFARE

Welfare.

Sec. 35A.74.010 *General Law Applicable.* Code cities may exercise authority granted by general law and available to any class of city for the relief of the poor and destitute, including, but not limited to the provisions of RCW 74.04.390 through 74.04.470.

## Chapter 35A.79

## PROPERTY AND MATERIALS

Sec. 35A.79.010 *Powers to Acquire, Use and Manage.* A code city shall have all powers provided by general law to cities of any class relating to the receipt of donations of money and property, the acquisition, leasing and disposition of municipal property, both real and personal, including, but not limited to, the following: (1) Intergovernmental leasing, transfer or disposition of property as provided by chapter 39.33 RCW; (2) disposition of unclaimed property as provided by chapters 63.32 and 63.36 RCW; (3) authority to petition for inclusion in a commercial waterway district as provided by RCW 91.04.210; (4) disposition of local improvement district foreclosures as provided by chapter 35.53 RCW; (5) materials removed from public lands as provided by RCW 79.01.178; (6) purchase of federal surplus property as provided by chapter 39.32 RCW; and (7) land for recreation as provided by chapter 43.99 RCW. A code city in connection with the acquisition of property shall be subject to provisions relating to tax liens as provided by RCW 84.60.050 and 84.60.070. The general law relating to the damage or destruction of public property of a code city or interferences with the duties of a police or other officer shall relate to code city's properties and officers to the same extent as such laws apply to any class of city, its property or officers.

## Chapter 35A.80

## PUBLIC UTILITIES

Public utilities.

Sec. 35A.80.010 *General Laws Applicable.* A code city may provide utility service within and without its limits and exercise all powers to the extent authorized by general law for any class of city or town. The cost of such improvements may be

financed by procedures provided for financing local improvement districts in chapters 35.43 through 35.54 RCW and by revenue and refunding bonds as authorized by chapters 35.41, 35.67 and 35.89 RCW and Title 85 RCW. A code city may protect and operate utility services as authorized by chapters 35.88, 35.91, 35.92, and 35.94 RCW and may acquire and damage property in connection therewith as provided by chapter 8.12 RCW and shall be governed by the regulations of the pollution control commission as provided in RCW 90.48.110. Public utilities.

Sec. 35A.80.020 *Electric Energy.* Any code city is authorized to enter into contracts or compacts with any commission or any operating agency or publicly or privately owned utility for the purchase and sale of electric energy or falling waters as provided in RCW 43.52.410 and chapter 35.84 RCW and to exercise any other authority granted to cities as provided in chapter 43.52 RCW.

## Chapter 35A.81

### PUBLIC TRANSPORTATION

Public transportation.

Sec. 35A.81.010 *Application of General Law.* Motor vehicles owned and operated by any code city shall be exempt from the provisions of chapter 81.80 RCW, except where specifically otherwise provided. Urban passenger transportation systems shall receive a refund of the amount of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel used in such systems to the extent authorized by chapter 82.36 RCW. Notwithstanding any provision of the law to the contrary, every urban passenger transportation system as defined in RCW 82.40.047 shall be exempt from the provisions of chapter 82.40 RCW which requires the payment of use fuel taxes.

Optional  
Municipal  
Code.

## Chapter 35A.82

## TAXATION—EXCISES

Taxation—  
Excises.

Sec. 35A.82.010 *State Shared Excises.* A code city shall collect, receive and share in the distribution of state collected and distributed excise taxes to the same extent and manner as general laws relating thereto apply to any class of city or town including, but not limited to, funds distributed to cities pursuant to RCW 82.37.190 relating to motor vehicle fuel importer's tax, and RCW 82.36.020 relating to motor vehicle fuel tax, and RCW 82.40.290 relating to use fuel tax, and RCW 82.36.275 and 82.40.047.

Sec. 35A.82.020 *Licenses and Permits: Excises for Regulation.* A code city may exercise the authority authorized by general law for any class of city to license and revoke the same for cause, to regulate, make inspections and to impose excises for regulation or revenue in regard to all places and kinds of business, production, commerce, entertainment, exhibition, and upon all occupations, trades and professions and any other lawful activity: *Provided*, That no license or permit to engage in any such activity or place shall be granted to any who shall not first comply with the general laws of the state.

No such license shall be granted to continue for longer than a period of one year from the date thereof and no license or excise shall be required where the same shall have been preempted by the state, nor where exempted by the state, including, but not limited to, the provisions of RCW 36.71.090 and chapter 73.04 RCW relating to veterans.

## Chapter 35A.84

## TAXATION—PROPERTY

Taxation—  
Property.

Sec. 35A.84.010 *Procedure and Rules Relating to Ad Valorem Taxes.* The taxation of property in code

cities shall be governed by general provisions of the law including, but not limited to, the provisions of: (1) Chapter 84.09 RCW, relating to the time for establishment of official boundaries of taxing districts on the first day of March of each year; (2) chapter 84.12 RCW relating to the assessment and taxation of public utilities; (3) chapter 84.16 RCW, relating to the apportionment of taxation on private car companies; (4) chapter 84.20 RCW, relating to the taxation of easements of public utilities; (5) chapter 84.24 RCW, relating to the reassessment of property; (6) chapter 84.36 RCW, relating to property subject to taxation and exemption therefrom; (7) chapter 84.40 RCW relating to the listing of property for assessment; (8) chapter 84.41 RCW, relating to revaluation of property; (9) chapter 84.44 RCW, relating to the taxable situs of personalty; (10) chapter 84.48 RCW, relating to the equalization of assessments; (11) chapter 84.52 RCW, relating to the levy of taxes, both regular and excess; (12) chapter 84.56 RCW, relating to the collection of taxes; (13) chapter 84.60 RCW, relating to the lien of taxes and the priority thereof; (14) chapter 84.69 RCW, relating to refunds and claims therefor against the code city; and (15) RCW 41.16.060, relating to taxation for firemen's pension fund.

Taxation-  
Property.

Sec. 35A.84.020 *Assessment for and Collection of Ad Valorem Taxes.* For the purpose of assessment of all property in all code cities, other than code cities having a population of more than twenty thousand inhabitants, the county assessor of the county wherein such code city is situated shall be the ex officio assessor, and as to the code cities having a population of more than twenty thousand inhabitants such county assessor shall perform the duties as provided in RCW 36.21.020.

Sec. 35A.84.030 *Ex Officio Collector of Code City Taxes.* The treasurer of the county wherein a

Optional  
Municipal  
Code.

code city is situated shall be the ex officio collector of such code city's taxes and give bond, and account for the city's funds as provided in chapter 36.29 RCW.

Chapter 35A.88

HARBORS AND NAVIGATION

Harbors and  
navigation.

Sec. 35A.88.010 *Discharge of Ballast.* A code city may exercise the powers relating to regulation of discharge of ballast in harbors within or in front of such city as authorized by RCW 88.28.060.

Sec. 35A.88.020 *Wharves and Landings.* A code city shall have and exercise all powers granted by general laws to cities and towns of any class relative to docks and other appurtenances to harbor and shipping, including but not limited to, the provisions of RCW 35.22.280, 35.23.440, 35.24.290, and 88.24.030.

Sec. 35A.88.030 *General Laws Applicable.* General laws relating to harbor areas within cities, including but not limited to, chapter 36.08 RCW relating to transfer of territory lying in two or more counties; RCW 79.16.180 relating to disposition of rental from leasehold in the harbor areas; RCW 79.01.504 reserving to cities the right to lease harbor improvements; and RCW 88.32.240 and 88.32.250 relating to joint planning by cities and counties shall apply to, benefit and obligate code cities to the same extent as such general laws apply to any class of city.

Chapter 35A.90

CONSTRUCTION

Construction.

Sec. 35A.90.010 *Becoming Code City—Rights, Actions Saved—Continuation of Ordinances.* Unless otherwise provided by this title, the election by a city or town to become a code city and to be governed by this title shall not affect any right or liability either in favor of or against such city or

town existing at the time, nor any civil or criminal proceeding involving or relating to such city or town; and all rights and property of every description which were vested in such city or town immediately prior to becoming a code city shall continue to be vested in such code city; and all charter provisions, ordinances, resolutions, rules, regulations, or orders lawfully in force in such city or town at the time of becoming a code city, and not inconsistent with or repugnant to this title, shall continue in force in such code city until amended or repealed as provided by law.

Sec. 35A.90.020 *Invalidity of Part of Title Not To Affect Remainder.* If any provision, section, or chapter of this title or its application to any person or circumstance is held invalid, the remainder of the provision, section, chapter, or title, or the application thereof to other persons or circumstances is not affected.

Sec. 35A.90.030 *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.

Sec. 35A.90.040. The effective date of this act shall be July 1, 1969.

Passed the House April 21, 1967.

Passed the Senate April 20, 1967.

Approved by the Governor May 3, 1967.