

with all other then existing indebtedness of such county, city or town, exceeded one and one-half per centum of the taxable property in such county, city or town ascertained by the last previous assessment for state and county purposes (except that in incorporated cities the assessment shall be taken from the last assessment for city purposes): *Provided*, That neither anything in this act contained nor the vote cast at any such election shall be deemed to validate or authorize any indebtedness, which, together with all other indebtedness of such county, city or town existing at the time of the attempted incurring of the same exceeded any constitutional limitation of indebtedness which might be incurred with the assent of three-fifths of the voters in such county, city or town voting at an election to be held for that purpose: *And provided further*, That this act shall apply only to indebtedness attempted to be incurred prior to the passage hereof. Limit.

SEC. 4. The words corporate authorities used in this act, shall be held to mean the legislative or managing body of any county, city or town. Construction.

SEC. 5. An emergency exists and this act shall take effect immediately. Emergency.

Passed by the House February 1, 1909.

Passed by the Senate March 3, 1909.

Approved March 6, 1909.

CHAPTER 60.

[H. B. 266.]

RELATING TO DRAINAGE AND SEWERAGE IN CITIES OF THE THIRD CLASS.

AN ACT authorizing cities of the third class to provide for the drainage and sewerage of such cities and provide for the payment of the cost and maintenance thereof, and declaring an emergency.

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

SECTION 1. That cities of third class be, and the same are hereby empowered to improve the public streets

Drains and
sewers.

and alleys of such cities by constructing and maintaining therein, drains and sewers, either surface or underground, and may make such improvements by improving any street, or alley, as a separate improvement, or may improve one, or more streets, or alleys, in one improvement district, or system, and construct and maintain any main, or trunk sewer line for the benefit of the property abutting or approximate thereto, and as an outlet for sub-sewer lines, or districts formed for the improvement of streets by the construction of sewers or drains therein which may subsequently connect therewith, under the terms and conditions of this act: *Provided*, That this act shall not be intended to supersede or repeal any law now in effect relating to the improvement of public streets by cities of the third class, but the same shall be considered concurrent and additional legislation thereto. Said cities being hereby authorized to proceed under the law as it now exists where the character of the improvement is sufficiently provided for under the existing law relating thereto.

Old laws
continued.

Petition.

SEC. 2. Whenever it is desired to improve any street, or streets, alley or alleys in any city of the third class, by the construction of sewers, or drains therein, a petition signed by the owners of one-fourth in quantity of the property abutting upon or approximate to the street or streets, alley or alleys to be improved, may be presented to the city council setting forth therein the street or streets, alley or alleys to be included in such proposed improvement, that it is the desire of said petitioners to have said street or streets, alley or alleys improved, the character of said improvement sought, the point of beginning, and the terminus of said sewer and praying that the council of said city proceed to establish and construct said improvement as provided by law.

Survey.

SEC. 3. On the presentation of such petition to the council of said city, said council shall at once cause a survey to be made for the purpose of ascertaining the practicability of the proposed improvement, and to determine whether a feasible and practical natural or artificial

outlet can be provided for the same and in case the report of said survey be satisfactory, and said improvement be deemed practical, and that a sufficient outlet therefor can be made or secured, such council shall immediately proceed to enter an order finding such facts and directing in said order that plans and specifications for said improvement be prepared by the city engineer and filed with said city council, and thereupon said council shall by ordinance declare its intention to make such improvement, setting forth in such ordinance the name of the street, or streets, alley, or alleys, to be improved, the beginning, and the terminus of said improvement, and the general character of the same as shown by the plans and specifications on file, which said plans and specifications shall be approved and adopted in said ordinance, and an estimate of the cost of said improvement, and reciting further therein, whether said improvement, or any part thereof is to be constructed as a main, or trunk line sewer, or for the special and exclusive benefit of the property abutting upon, or approximate thereto, and also what portion if any, of the cost of said improvement is to be assessed against the property abutting upon or approximate thereto, and fixing the boundaries so as to include all abutting or approximate property to be benefited by said proposed improvement, and setting forth what portion, if any, of the cost thereof shall be paid by the city from its general, or current funds. Said ordinance shall fix a time not less than ten days in which protests against such proposed improvement may be filed in the office of the city clerk. It shall be the duty of such clerk to cause such ordinance to be published in the official newspaper of the city for at least two consecutive issues of such paper before the time fixed in such ordinance for filing such protests, and proof of the publication of such ordinance by the affidavit of the publisher of such newspaper shall be filed with the clerk of such city, on or before the time fixed for such filing. If protests against the proposed amendment be filed by the owners of two-thirds in quantity of the lands abutting on, or approximate to said improvement

Ordinance.

Estimate of cost.

Protests.

Assessment
district.

Limit of
assessment.

on or before the date fixed for such filing, the council shall not proceed further toward the establishment of said improvement unless six members of said council shall vote to proceed with such work. If no such protests are filed, or if such protests are filed, and the council shall vote to proceed in the establishment of such proposed improvement it shall at its next regular meeting, proceed to consider the same and shall then, or at a subsequent time, proceed to enact an ordinance establishing such improvement, designating the same in said ordinance as Local Improvement Sewer District No. —, and fixing the boundaries of said district so as to include all the property abutting upon, or approximate thereto which will be benefited by said improvement, and such council shall find and set forth in said ordinance that all the property included within the boundaries of said district abuts upon or is approximate to the street or alley so improved. Such ordinance shall further provide that such improvement shall be made and that the cost and expense thereof shall be assessed upon all the property in such district by special tax upon such property, to be levied in accordance with the last general assessment of the land within said district for city purposes, exclusive of all improvements, not exceeding the benefits to be derived from such improvement: *Provided, however,* That in case such city shall determine to pay any portion of the cost of said improvement out of the general or current funds of said city such portion shall be designated in said ordinance, but such portion shall not exceed twenty-five per cent. of the cost unless by the unanimous vote of the council, and the amount of such cost remaining shall be levied against the property in such district as herein provided: *Provided,* That it may be provided in said ordinance that the payment of the cost of said improvement to be assessed against the property in said district may be made in annual installments of not less than twenty-five per cent. thereof: *And provided further,* That the expense for making the survey and plans and specifications herein provided for, in case said improvement shall be abandoned,

shall be paid by such city, but if said improvement is established, such expense or any portion thereof may be paid by such city or the whole or any portion thereof may be assessed against the property of such district as a part of the cost of said improvement, as the council may determine.

SEC. 4. The manner of making the assessment roll, the letting of the contract for such improvement, the acquiring of the right of way for the same, and the manner and method of enforcing the lien of said assessment, and the payment of the costs of said improvement shall be as now provided by the law relating thereto in cities of the third class; except as herein otherwise provided and it is hereby further provided, that such cities for the purpose of acquiring the necessary right of way for such sewer improvement may if necessary, go beyond the corporate limits of such city in acquiring the same and where no natural outlet exists, or cannot be secured, may provide for an artificial outlet or means of disposing of the sewerage by the construction of pumping plants, reservoirs, and septic tanks as a part of any main or trunk line, and include the cost of the same as a part of the cost of said improvement: *And provided further*, That any trunk or main line sewer shall be considered a sufficient outlet for any sub-sewer or lateral district connecting therewith: *Provided*, The same is found and declared in the ordinance establishing said sub-sewer lateral district.

SEC. 5. That in any proceeding for the foreclosure of any assessment made under this act, if the court shall be satisfied that the work has been done or material furnished, which according to the true intent of the act would be properly chargeable upon any lot or tract of land abutting or approximate to such improvement, a recovery shall be permitted or charge enforced to the extent of the proper proportion of the value of the work or material which would be chargeable upon such lot of land notwithstanding any informality, irregularity or defect in any of the proceedings of such municipal corporation or its officers.

Bonds.

SEC. 6. That in case any portion of the cost of any such improvement be assumed by such city to be paid out of the general fund thereof as provided herein, and such city has reached the limitation of its indebtedness, or for any other reason no funds are available therefor, such city may proceed under the provisions of chapter sixteen of Ballinger's Annotated Codes and Statutes of the State of Washington, as amended by chapter 85 of the Session Laws of 1901, relating to the incurring of indebtedness, and the issuing of bonds for the construction of water works, systems of sewerage, and issuing bonds therefor, and such other law, or laws as may now, or hereinafter be in force relating to the incurring of indebtedness for municipal purposes over the constitutional limit, by cities of the class embraced in this act: *Provided*, That the system or plan to be submitted as provided in said chapter shall be the system or plan established by ordinance under the provisions of section two of this act: *And provided further*, That in case it is desired to issue bonds of such improvement district to provide for the payment of the cost of such improvement such city may apply the provisions of an act relating to internal improvements in cities, approved March 9th, 1893, the same being chapter twenty of Ballinger's Annotated Codes and Statutes of the State of Washington, as the same may have been, or hereafter be changed or amended. In case the proposition submitted under said chapter 16 be rejected by the voters of such city then all proceedings in said improvement shall be abandoned.

Maintenance
fund.

SEC. 7. That such city for the purpose of operating, repairing and maintaining such system shall establish for each improvement established under the provisions of this act, a fund to be known as "Sewer District No. — Maintenance Fund," and may provide such fund in whole, or in part out of the general funds of said city, or by an annual assessment against the property included in such improvement district in manner and form as provided for the assessment of the cost of the original improvement as

provided for in section three of this act. Said special levy to be based upon an estimate made by the city council of the probable cost of maintenance for the succeeding year not exceeding the benefits to said property from such maintenance. Such levy to be at the time the general levy of taxes for municipal purposes is made by said council, and the same shall become a lien and be collected or foreclosed in the same manner as the special tax for the cost of the original improvement: *Provided*, That said maintenance fund may be created and established by separate ordinance or by the ordinance creating such improvement district.

SEC. 8. An emergency exists and this act shall take Emergency. effect immediately.

Passed by the House February 26, 1909.

Passed by the Senate March 1, 1909.

Approved March 6, 1909.

CHAPTER 61.

[H. B. 186.]

ESTABLISHING STATE ROADS.

AN ACT providing for the establishment of certain state roads.

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

SECTION 1. The following described roads having been examined and all surveys necessary to a determination as to their feasibility and utility having been made by the State Highway Commissioner under the provisions of chapter 116, Laws of Washington, A. D. 1907, and the report of the State Highway Commissioner being favorable, the same are hereby declared to be state roads and shall be known and described as hereinafter set forth.

SEC. 2. State Road No. 14, or the Hood Canal road, the same being a road beginning at Hoodsport in Mason No. 14. county and running thence by the most practicable route to Duckabush in Jefferson county. State Road No. 15,