

Repealing clause.

SEC. 3. Section 72.12.120 [72.08.340], R.C.W., as derived from sections 1, 2, and 3, chapter 197, Laws of 1947, is repealed.

[Rep. Rem. Supp. 1947, § 10319-5.]

Passed the House February 28, 1951.

Passed the Senate March 6, 1951.

Approved by the Governor March 15, 1951.

CHAPTER 153.

[H. B. 469.]

ENABLING INCORPORATION OF FIRST CLASS CITIES NOT HERETOFORE INCORPORATED.

AN ACT providing for the organization and incorporation of cities of the first class in areas within counties not heretofore incorporated and the adoption of a charter; prescribing the method for calling elections therefor.

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

Incorporation of areas as cities of the first class.

SECTION 1. Any portion of a county, which portion contains not less than twenty thousand inhabitants, living within an area of not more than ten square miles, and which is not incorporated as a municipal corporation, may become incorporated under the provisions of this act, and when so incorporated, shall have the powers conferred, or that may hereafter be conferred, by law upon cities of the first class.

Petition.

Signatures.

Contents.

SEC. 2. A petition shall first be presented to the board of county commissioners of such county, signed by at least one hundred qualified electors of the county, residents within the limits of such proposed corporation, which petition shall set forth and particularly describe the proposed boundaries of such corporation, and state the number of inhabitants therein as nearly as may be, and shall pray that the same may be incorporated under the pro-

visions of this act. Upon presentation of said petition, the board of county commissioners shall ascertain the number of inhabitants residing within said proposed boundaries. If, in the opinion of the board of county commissioners, the population within such proposed boundaries can be ascertained from the figures compiled from the last federal census for said county, such population figures shall be used, otherwise said board of county commissioners shall make an enumeration of all persons residing within said proposed boundaries. If the board of county commissioners shall ascertain that there are twenty thousand or more inhabitants within said proposed boundaries, they shall set a date for hearing on said petition, the same to be published for a period of at least two weeks prior to such hearing in some newspaper published in said county, together with a notice stating the time and place of the meeting at which said petition will be heard. Such hearing may be adjourned from time to time, not to exceed one month in all, and, on the final hearing, the board of county commissioners shall make such changes in the proposed boundaries as they may find to be proper, but may not enlarge the same, nor reduce the same so that the population therein would be less than twenty thousand inhabitants. The board of county commissioners shall by resolution establish and define the boundaries of such corporation, establish and find the number of inhabitants residing therein and state the name of the proposed corporation. Within ninety days after the passage of said resolution the board of county commissioners shall cause an election to be called and held within the boundaries so established, said election to be conducted in the manner required for the calling of a special election in class A and first class counties, for the purpose of determining whether such boundaries so established shall be incorporated into a city of the first

Determination of population.

Order for hearing.

Notice.

Hearing.

County commissioners.

Resolution defining boundaries, finding population, and adopting name.

Election.

Purposes.

Incorporation.

Freeholders. class and the election of fifteen freeholders, who shall have been residents within said boundaries for a period of at least two years preceding their election and qualified electors of the county, for the purpose of framing a charter for said city. Any qualified person may, not earlier than sixty days nor later than thirty days prior to such election, file with the county auditor of said county his declaration of candidacy in writing. The form of ballot at such election shall be "For incorporation," "Against incorporation"; and shall contain the names of the freeholders to be voted upon to frame said charter.

Declaration of candidacy.

Ballot.

Qualifications of electors. No person shall be entitled to vote at such election unless he shall be a qualified elector of said county and shall have resided within the limits of such proposed corporation for at least thirty days next preceding such election.

Resolution declaring incorporation. SEC. 3. If at such election a majority of those voting thereat vote in favor of incorporation, the board of county commissioners shall, by resolution entered upon its minutes, declare such territory duly incorporated as a city of the first class under the name of [naming it]. Thereafter said city shall have no authority to function as a municipal corporation until a charter has been adopted in accordance with the provisions of this section, except for all purposes necessary for the adoption of such charter. The fifteen freeholders receiving the highest number of votes at such election shall be certified by the county auditor as elected as freeholders to form a charter for said city. It shall be the duty of the persons so elected to convene within ten days after their election and frame a charter for said city, and within sixty days thereafter they, or a majority of their number, shall submit such charter to the board of county commissioners which shall within ninety days thereafter cause another election to be called and held in said city and to be conducted in the

City may not function until charter adopted.

Duties of freeholders.

Election.

manner required for the calling of a special election in class A and first class counties and in conformity with article XI, section 10 of the constitution, for the purpose of submitting said charter to the qualified electors of said city and for the election of the various elective officials to the respective offices named in said charter. The form of ballot at such election shall be "For proposed charter," "Against proposed charter," and the names of the candidates for the respective offices named in said proposed charter. At the first election of officials for said city any qualified elector of said city may become a candidate for any of the elective offices set forth in such proposed charter without nomination by filing with the proper election officials of the county a declaration in writing that he desires to be a candidate for a particular office [naming it], such declaration to be filed not earlier than sixty nor later than thirty days prior to such election. The candidates receiving the highest number of votes for the respective offices shall be declared elected to such office and the county auditor shall issue a certificate of such election. After the first election the nomination and election of officials for said city shall be as prescribed in the charter adopted by the people and the laws of the state. No person shall be entitled to vote at such election unless he shall be a qualified elector of said city and shall have resided within the limits of said city for at least thirty days preceding such election.

Vote on adoption of charter and election of officers.

Ballot.

First election of officials.

Declaration of candidacy.

Succeeding elections conducted under charter.

Qualifications of electors.

SEC. 4. If a majority of the votes cast at such election are cast in favor of ratification of such charter, the same shall become the organic law of said city, and shall supersede all special laws inconsistent therewith, when authenticated, recorded and attested as hereinafter provided:

Charter when adopted is the organic law.

I, _____, Chairman of the Board of County Commissioners for _____

Certificate of incorporation.

County, do hereby certify that, in accordance with the provisions of Chapter of the Laws of 19....., of the State of Washington, the County Commissioners of said county duly caused an election to be held on the day of, 19....., within the boundaries hereinafter described, for the purpose of determining whether or not the same should be incorporated into a city of the first class and for the purpose of electing fifteen freeholders to form a charter for such city, said boundaries being described as follows: [describe proposed boundaries]. At said election votes were cast in favor of incorporation and votes were cast against incorporation, and the following named persons were duly elected freeholders for the purpose of forming a charter for said city, to wit: [name freeholders elected]. That thereafter on the day of, 19....., said board of freeholders duly returned a proposed charter for said City of, signed by the following named members, to wit: [name signers]. That thereafter on the day of, 19....., at an election duly called for said purpose, the proposed charter was submitted to the qualified electors of said city, and the returns of said election were duly canvassed, and the result of said election was found to be as follows: For said proposed charter, votes; Against said proposed charter, votes. Whereupon, the said charter was declared duly ratified. And I further certify that the annexed charter is a full, true, and correct copy of the proposed charter so voted upon and ratified as aforesaid.

In testimony whereof, I have hereunto set my hand this day of, 19.....
 (County Seal)

.....
 Chairman of the Board of County
 Commissioners for County.

Said certificate shall be made in duplicate and the board of county commissioners shall cause one copy thereof to be immediately delivered to the secretary of state and the other copy to be delivered to the mayor-elect of said city. From and after the filing of said certificate with the secretary of state, said incorporation shall be deemed complete, and the officers so elected at said election shall be entitled to enter immediately upon the duties of their respective offices upon qualifying according to the provisions of said charter, and shall hold such offices, respectively, until the next general municipal election and until their successors are elected and qualified. The mayor shall deliver the certificate so delivered to him to the clerk of such city, who shall file the same as an official record of the city. The clerk shall immediately thereafter record the charter in a book to be provided and kept for said purpose and known as the charter book of the city of and when so recorded shall be attested by the clerk and the mayor of the city, under the corporate seal thereof, and thereafter any and all amendments to said charter shall in like manner be recorded and attested and, when so recorded and attested, all courts in this state shall take judicial notice of said charter and all amendments thereto.

Certificate to be in duplicate.

Incorporation complete upon filing certificate.

Qualification of officers.

City clerk to record charter.

Amendments to charter.

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