

CHAPTER 39.

[S. B. 105.]

SEWERAGE AND GARBAGE DISPOSAL SYSTEMS.

AN ACT providing for the construction and maintenance of systems of sewerage, and systems and plants for collection and disposal, by fourth class cities or towns; providing for the payment therefor by bonds; and providing for the collection of special service charges, and declaring that this act shall take effect immediately.

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

Fourth
class cities.

Acquisition.

SECTION 1. The town council or other governing body of each fourth class city or town within the state shall be, and hereby is, authorized to construct, condemn and purchase, acquire, add to, maintain, conduct and operate systems of sewerage, and systems and plants for collection and disposal of refuse, within or without its limits, with full power to regulate and control the use thereof, and with full power to fix rates and collect charges for the use thereof, and to enforce the payment of such charges, and to make such charges a specific lien against the property on which the service connection is made.

Ordinance
specifying
plan.

SEC. 2. Whenever the town council or other governing body of any fourth class city or town within the state shall deem it advisable that such town shall construct, acquire, purchase, or otherwise obtain, and operate, any system of sewerage, and systems for collection and disposal of refuse, or make any additions and betterments thereto or extensions thereof, the town council or other governing body of said town shall provide therefor by ordinance, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof as near as may be, and the same shall be submitted for ratification or rejection to the qualified voters of said town

at a special election, excepting in the following cases where no submission shall be necessary :

Special election.

1. When the adoption of a system of sewerage, and for collection and disposal of refuse, and the construction and operation of same, has been required and ordered by the state board of health.

Not necessary when.

2. When no general indebtedness is to be incurred by such fourth class city or town in the acquiring, construction, or operation of such public utility, or in the building of any extensions thereto or betterments thereof, or any part thereof.

If a general indebtedness is to be incurred, the amount of such indebtedness, and the terms thereof shall be included in such ordinance, and if the proposition is submitted to the qualified voters of said town, it shall be included in such proposition, and such proposition shall be assented to by a majority vote of the qualified voters of the said town voting at such election. Ten days notice of such election shall be given in the newspaper doing the town printing, by publication in each issue of said newspaper during said time. Whenever a proposition has been adopted as aforesaid or in the cases mentioned in subdivision first and second of this section where no submission shall be necessary, the town council or other governing body of said town shall have power to proceed forthwith to purchase, acquire, construct and operate such sewer system, and systems for refuse, collection and disposal, or any parts thereof, and the necessary equipment, property, rights, easements and things necessary for the purposes thereof, and to make additions, alterations and extensions thereto, and to make payment therefor. Where a general indebtedness is to be incurred, the total indebtedness incurred under the authority of this act, added to other indebtedness of such town at any time outstanding, shall not exceed ten per centum of the value of the taxable property therein,

General indebtedness.

Notice of election.

Indebtedness not to exceed 10% of value of taxable property.

to be ascertained by the last assessment for state and county purposes.

SEC. 3. Whenever the qualified voters of any such fourth class city or town shall have heretofore adopted or shall hereafter adopt a proposition for such public utility as aforesaid and shall have authorized a general indebtedness, or the state board of health has ordered the adoption of and construction and operation of such sewerage, collection and disposal system, general town bonds may be issued as hereinafter provided. Said bonds shall be registered or coupon bonds, shall be issued in denominations of not less than one hundred, or more than one thousand dollars; shall be numbered from one up consecutively; shall bear the date of their issue; shall be payable not more than twenty years from their date, with payments to be made annually, or after a certain period of years, or as such town council may deem for the best interests of said town; and shall bear interest not exceeding seven (7) per cent per annum, payable semi-annually, with interest coupons attached, and the principal and interest shall be made payable at such place as may be designated. The bonds and each coupon shall be signed by the mayor and attested by the clerk under the seal of the said town. There shall be levied each year a tax upon the taxable property of such town sufficient to pay the interest on said bonds as the same accrue, and an annual sinking fund sufficient for the payment of said bonds at their maturity, which taxes are due and collectible as other taxes. In addition thereto the said town council or other governing body shall set aside to such fund any other sums or amounts which may accrue from the collection of service charges for the private use of said sewerage and disposal system, and the same shall be applied to the payment of such interest and bonds, and where the said charges suffice to main-

Bonds may
be issued,
kind.

Interest.

Tax levy.

tain said systems, and to pay such interest and sinking fund amounts, no general tax need be levied. The said bonds shall be printed and engraved or lithographed on good bond paper, and a copy of this act, together with the ordinance of the town directing the construction of such system or systems, shall be printed on each bond. In the event that an election was had, a printed copy of a signed statement by the mayor and clerk showing the result of said election shall be printed on each bond; in the event that no election was had, but such system or systems were ordered constructed by the state board of health, a printed copy of such order of the state board of health shall be printed on each bond. Such bonds shall be sold in such manner as the said town council or other governing body of said town shall deem for the best interests of the said town. A register shall be kept of all bonds, which register shall show the number, date, amount, interest, to whom delivered—if coupon bonds, and the name of the payee—if registered bonds; when and where payable, and each and every bond executed, issued or sold under the provisions hereof.

Form and contents of bonds.

Bond register.

SEC. 4. Whenever the town council or other governing body of any such fourth class city or town shall have adopted or shall hereafter adopt a proposition for the purchase, construction, operation, maintenance and keeping of a system of sewerage, and collection and disposal of refuse, and no general town indebtedness shall have been authorized, or desired, the said council shall have, and is hereby given, the power to create a special fund or funds for the sole purpose of defraying the cost of such public utility and system, or addition, betterment or extension thereto, into which special fund or funds the council or other governing authorities of such town may obligate and bind the said town to set aside and pay a fixed proportion of the gross reve-

Special funds.

Gross revenue set aside.

Sale of
bonds and
warrants.

nues of such sewerage and disposal system, or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, and to issue and sell bonds or warrants bearing interest not exceeding seven (7) per centum per annum, payable semi-annually, executed in such manner and payable at such time as the council or other governing authorities of such town shall determine, but such bonds or warrants and the interest thereon shall be payable only out of such special fund or funds. In creating such special fund or funds the council or other governing body of such town shall have due regard to the cost of operation and maintenance of the system and plant as constructed or added to, and the amounts necessary for the payment of interest and sinking fund charges, and shall base the rates charged for service on such needs and charges. Any such bonds or warrants or other evidence of indebtedness issued against any such funds as herein provided shall be a valid claim of the holder thereof only as against the said special fund, and shall not constitute a general indebtedness of such town. Each such bond or warrant shall state on its face that it is payable from a special fund, naming the fund and the ordinance creating it. Such bonds and warrants shall be sold in such manner as the town council or governing authorities shall deem for the best interests of the said town, and the said town council or governing authorities may provide in any contract for the construction and acquirement of the proposed improvement that payment thereof shall be made only in such bonds and warrants at par value thereof.

Rates and
charges for
service.

Revenues
set aside.

When any such special fund shall have been heretofore or hereafter created and any such obligations shall have been heretofore or shall hereafter be issued against the same, a fixed proportion, or a fixed amount out of and not exceeding such fixed propor-

tion, or a fixed amount without regard to any fixed proportion of revenue shall be set aside and paid into such special fund as provided in the ordinance creating it, and the additions to the original system, and betterments thereof, and in case any town shall fail to thus set aside and pay such amount as aforesaid, the holder of any bond or warrant against such special fund may bring suit or action against the said town and compel such setting aside and payment.

SEC. 5. The council or other governing body of such fourth class city or town, in the event that general obligation bonds are issued in payment of all or any part of any system of sewerage, or for collection and disposal of waste, shall have the right and authority to provide for revenues by fixing rates and charges for the furnishing of such sewerage and disposal service to those receiving such service, such rates and charges to be fixed, as deemed necessary by such council or other governing body, so that uniform charges will be made for the same class of service, such rates or charges to be made on an annual or monthly basis, as may be deemed proper by the council, and as fixed by ordinance; and all property owners within the area served by such sewerage and disposal system may be compelled to connect their private drain and sewer systems with such town system, under such penalty as such council or governing body may direct by ordinance.

Rates and charges.

Annual or monthly.

Connection compelled.

SEC. 6. The council or other governing body of such fourth class city or town, in the event that such special indebtedness bonds or warrants are issued against the revenues of such sewerage and disposal system, shall provide for revenues by fixing rates and charges for the furnishing of such sewerage and disposal service to those receiving such service, such rates and charges to be fixed, as deemed necessary

Charges to meet requirements.

by such council or governing body, so that uniform charges will be made for the same class of service, such rates to be made on an annual or monthly basis, as may be deemed proper by such council or governing body, and as fixed by ordinance, the total revenues to be so estimated and based to be sufficient to take care of costs of maintenance, operation, extensions, interest and sinking fund requirements, and other charges incidental thereto; and such council or governing body shall compel all property owners within the area served by such sewerage and disposal system to connect their private drains and sewer systems with such town system, under such penalty as the said council or governing body may direct by ordinance.

Compel
connection
with system.

SEC. 7. The town council or other governing body of such fourth class city or town shall enforce collection of such sewerage and disposal service charges against property owners served thereby, such charges being deemed a charge against the property served, by addition of penalties of not more than ten per cent to the regular service charges; and it may provide by ordinance that where service charges are delinquent for any specified period of time, the town treasurer shall certify such delinquency to the county treasurer in the county in which such town is situated, and such charges, and any penalties added thereto, and interest thereon at the rate of not more than eight (8) per cent per annum, shall be a lien against the property on which the service is given, subject only to the lien for general taxes. And such town shall have the right, at any time after such charges, and penalties are delinquent for a period of sixty (60) days or more, to bring suit in foreclosure by civil action in the superior court of the State of Washington in the county in which such town is situated, and in such suit the court may allow, in addition to the costs, and

Collection of
charges.

Delinquency.

Foreclosure.

disbursements provided by statute, such an attorney's fee as the court may adjudge reasonable. Such suit or action shall be deemed to be a proceeding in rem, and the action may be brought in the name of such town against an individual, or against all of those who are delinquent in one action, as the council or other governing body thereof may deem best, and the statutes and rules of the court shall control as in other civil actions.

SEC. 8. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately. Effective immediately.

Passed the Senate February 9, 1931.

Passed the House March 4, 1931.

Approved by the Governor March 12, 1931.

CHAPTER 40.

[S. S. B. 23.]

TAXATION OF REFORESTATION LANDS.

AN ACT relating to lands suitable for forestation and reforestation; providing for the assessment and taxation of such lands and the products thereof; providing penalties; and repealing all acts and parts of acts in conflict therewith.

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

SECTION 1. Public welfare demands that steps be taken to encourage reforestation and to protect and promote the growth of new forests on lands chiefly valuable for that purpose in order that they may be restored to the economic and industrial life of the state. To accomplish that end it is necessary that a system of taxation and assessment be devised for such lands, which will encourage the growth of new and immature forests on lands chiefly valuable for that purpose, and which will enable the owners

Declaration of reasons and necessity for act.