

## CHAPTER LXX.

[H. B. No. 331.]

RELATING TO THE ORGANIZATION, CLASSIFICATION  
AND INCORPORATION OF MUNICIPAL INCORPORATIONS.

AN ACT to amend sections 107, 109, 113, 116, 124, 125, 126, 132, 133, 134, 135 and 136 of an act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency, approved March 27, 1890.

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

SECTION 1. That section 107 of an act providing for the organization, classification, incorporation and government of municipal corporations, approved March 27, 1890, be amended to read as follows: Sec. 107. The clerk, treasurer, city attorney and marshal shall, respectively, before entering upon the duties of their respective offices, each execute a bond to such city in such penal sum as the city council by ordinance may determine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this chapter *ex officio* incumbent. Any other officer shall give such bond when required by the city council. All bonds, when approved, shall be filed with the clerk, except the bond of the clerk, which shall be filed with the mayor. All the provisions of any law of this state relating to the official bonds of officers shall apply to such bonds, except as herein otherwise provided. Every officer of such city, before entering upon the duties of his office, shall take and file with the clerk the constitutional oath of office: *Provided, however,* That no city officer shall be eligible upon any bond.

Bonds of city officers.

Oath of office.

SEC. 2. That section 109 of said act be amended to read as follows: Sec. 109. The members of the city council shall receive no compensation whatever, except while acting as a board of equalization. The treasurer, clerk, marshal, city attorney and health officer shall severally receive, at stated times, a compensation, to be fixed by ordinance by the city council, which compensation shall not be increased or diminished after their election, or during their

Compensation.

several terms of office. Nothing herein contained shall be construed to prevent the city council from fixing such several amounts of compensation, in the first instance, during the term of office of any such officer or after his election. The compensation of all other officers shall be fixed from time to time by the city council.

Organization  
of council.

SEC. 3. That section 113 of said act be amended to read as follows: Sec. 113. The city council, together with the mayor, shall meet on the first Tuesday in January, next succeeding the date of said general municipal election, shall take the oath of office, and shall hold regular meetings at least once in each month, but not to exceed one regular meeting in each week, at such times as they shall fix by ordinance. Special meetings may be called at any time by the mayor, by written notice delivered to each member at least three hours before the time specified for the proposed meeting: *Provided, however,* That no ordinance shall be passed, or contract let, or entered into, or bill for the payment of money allowed, at such special meeting, or at any adjourned regular or special meeting. All meetings of the city council shall be held within the corporate limits of the city at such place as may be designated by ordinance, and shall be public.

Special  
meetings.

Ordinances  
and franchises.

SEC. 4. That section 116 of said act be amended to read as follows: Sec. 116. No ordinance and no resolution granting any franchise for any purpose shall be passed by the city council on the day of its introduction, nor within five days thereafter, nor at any other than a regular meeting, nor without being first submitted to the city attorney. All ordinances shall be published in a newspaper printed within said city. Such publication shall be made by the newspaper designated as the official newspaper of such city, if there be one. If there be no official newspaper, nor other newspaper published in said city, then publication shall be made in such manner as the city council may direct. No ordinance, resolution or order for the payment of money shall have any validity or effect unless passed by the votes of at least four councilmen: *Provided, however,* That no ordinance, franchise or valuable privilege shall be granted unless by the votes of at least five members of the

council. No ordinance shall take effect until five days from and after the date of its last publication. And no ordinance shall contain more than one subject, which shall be clearly expressed in its title. And no ordinance, or any section thereof, shall be revised or amended unless the new ordinance contain the entire ordinance or section revised, or amended, and the ordinance or section so amended shall be repealed.

SEC. 5. That section 124 of said act be amended to read as follows: Sec. 124. The city council are hereby authorized and empowered to order any work authorized by this chapter to be done upon the streets, alleys, avenues, high-Street work. ways and public places of such city. The expense or cost of improving and repairing streets, sidewalks, alleys, squares and other public highways and places within the city, removing obstructions therefrom, grading, planking, paving, macadamizing, graveling and curbing the same, and constructing gutters, culverts and sidewalks therein, shall be assessed as follows: The city council shall, before or during the grading, paving or other improvement of any Assessments for street improvements. street or alley, the cost of which is to be levied and assessed upon the property benefited, first pass a resolution or ordinance declaring its intention to make such improvement and stating in such resolution or ordinance the name of the street or alley to be improved, the points between which the said improvement is to be made, the general character of the proposed improvement, and the estimate of the cost of the same, and that the cost of the same is to be assessed against the property abutting (and included in the assessment district herein provided) on such street proposed to be improved, and 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 Publication of resolution. clerk to cause such resolution to be published in the official newspaper of the city in at least two consecutive issues before the time fixed in such resolution for filing such protests, and affidavit of such publication shall be filed on or before the time fixed for such filing. If protests against Protests. the proposed improvement by the owners of more than two-thirds of the front feet of lots and lands abutting on

such proposed improvement and included in the assessment district therein provided, be filed on or before the date fixed for such filing, the council shall not proceed further with the work unless six members of said council shall vote to proceed with such work. If no such protest is filed, or if such protest is filed and six councilmen shall vote to proceed with said work, the council shall at its next regular meeting proceed to consider the same, and shall then or at a subsequent time proceed to enact an ordinance for such improvement. By the provisions of such ordinance a local improvement district shall be established to be called "Local Improvement District No. —;" which shall include all the property fronting on the street to be improved between the points named in such resolution, to the distance back from such street, if platted in blocks, to the center of the blocks, if platted into lots only to the center of each lot, and if not platted, to the distance of one hundred and twenty feet. Such ordinance shall provide that such improvement shall be made, and that the cost and expense thereof shall be taxed and assessed upon all the property in such local improvement district, which cost shall be assessed in proportion to the number of feet of such lands and lots fronting thereon, and included in said improvement district, and in proportion to the benefits derived by said improvement: *Provided*, That the city council may expend from the general fund for said purposes such sums as in their judgment may be fair and equitable in consideration of benefits accruing to the general public by reason of such improvements. The expense of all improvements in the space formed by the junction of two or more streets or where one main street terminates in or crosses another main street, and also all necessary street crossings or crossways at corners or intersections of streets, and the expenses of establishing, building and repairing bridges in such city shall be paid by such city. The expense incurred in making and repairing sewers in any street shall be paid by the city out of the sewer fund. In all the streets constituting the water front of such city, or bounded on the one side by the property thereof, the expense of work done on that portion of said streets, from

Local improvement district.

Proportionate assessment.

Certain expenses paid by city.

the center line thereof to the said water front, or to such property of the city bounded thereon, shall be paid for by such city; but no contract for any such work shall be given except to the lowest responsible bidder, and in the manner hereinafter provided. When any work or improvements mentioned in this section is done or made on one side of the center lines of said streets, avenues or public highways, the lots or portions of lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this chapter. Whenever any expenses or cost of work shall have been assessed on any lands, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, and which may be foreclosed in accordance with the provisions of the code of civil procedure. Said suit shall be in the name of the city of —— (naming it) as plaintiff. And in any such proceeding where the court trying the same 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 the lot or land through or by which the street, alley or highway improved or repaired may pass, a recovery shall be permitted or a charge enforced to the extent of the proper proportion of the value of the work or material which would be chargeable on such lot or land notwithstanding any informalities, irregularities or defect in any of the proceedings of such municipal corporation or any of its officers.

SEC. 6. That section 125 of said act be amended to read as follows: Sec. 125. Whenever it shall become necessary for the city to take or damage private property for the purpose of establishing, laying out, extending and widening streets and other public highways and places within the city, or for the purpose of rights-of-way for drains, sewers and aqueducts, and for the purpose of widening, straightening or diverting the channels of streams and the improvement of water fronts, and the city council can not agree with the owner thereof as to the price to be paid, the city council may proceed to acquire, take or damage

the same in the manner provided by chapter 9 of the laws of 1890, relating to "appropriation of lands by corporations; to regulate proceedings for," entitled "An act to regulate the mode of proceeding to appropriate lands, real estate or property by corporations for corporate purposes, and of ascertaining compensation therefor and repealing laws in conflict with this act, and declaring an emergency," approved March 21, 1890.

Taxes.

SEC. 7. That section 126 of said act be amended to read as follows: The city council shall have power, and it shall be their duty, to provide by ordinance a system for the assessment, levy and collection of all city taxes or assessments not inconsistent with the provisions of this chapter; which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this state governing cities of the second class in reference to the assessment, levy and collection of municipal taxes, except as to the officers by whom such duties are to be performed, and as herein provided. All taxes assessed, including taxes for previous years unpaid or unsatisfied, together with any penalty for delinquency and the costs of collection and interest, shall constitute liens on the property assessed from and after the first day of November in each year; which liens may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by actions in any court of competent jurisdiction, to foreclose such liens: *Provided*, That any property sold for such taxes or assessments shall be subject to redemption within the time and in the manner provided, or that hereafter may be provided, by law for the redemption of property sold for state or county taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this chapter shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for non-payment of state or county taxes.

Sale of  
property  
for taxes.

Duties of city  
treasurer.

SEC. 8. That section 132 of said act be amended to read as follows: Sec. 132. It shall be the duty of the treasurer to receive and safely keep all moneys which shall

come into his hands as city treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the city clerk. He shall pay out said moneys on warrants signed by the mayor and countersigned by the clerk, and not otherwise. He shall make quarterly settlements with the city clerk, and shall receive such compensation as the city council shall by ordinance determine, but not less than three hundred dollars and not more than twelve hundred dollars per annum. Upon each quarterly settlement he shall file a statement of his account with the city clerk. He shall collect all taxes and assessments levied by the city council and all delinquent taxes and assessments. He shall, upon the receipt of any tax list, give his receipt for the same to the city clerk. He shall receive from the clerk all city licenses, and collect the same, and shall perform such other duties as the city council may by ordinance direct.

SEC. 9. That section 133 of said act be amended to read as follows: Sec. 133. The city clerk shall perform the duties of city assessor, and the office of city assessor is hereby abolished. Clerk to be assessor.

SEC. 10. That section 134 of said act be amended to read as follows: Sec. 134. It shall be the duty of the city clerk, between the first Monday of February and the first Monday of May of each year, to make a true list of all taxable property within the city as the same shall appear in the last preceding county assessment returned by the county assessor. The mode of making out said list and proceedings relating thereto shall be in conformity with laws now in force regulating county assessors, except as the same may be otherwise provided in this act, or by ordinance. Said list shall describe the property assessed and the value thereof, as returned by the county assessor, and shall contain all other matters required to be stated in such lists by county assessors. Said clerk shall verify said list by his oath, and shall file the same on or before the first Monday of May in each year. He shall during said time, also make a list of all male persons residing within the limits of such city over the age of twenty-one years, and shall verify said list by his oath, and shall, on or before Duties of city clerk.

the first Monday of May in each year, file the same. Said clerk or his deputy shall have power to administer all oaths and affirmations necessary in the performance of his duties. It shall be the duty of the city clerk to keep a full, true record of all the proceedings of the city council and the board of equalization. The proceedings of the city council shall be kept in a book marked "Records of the city council." The proceedings of the board of equalization shall be kept in a separate book marked "Records of the board of equalization." He shall keep a book which shall be marked "City accounts," in which shall be entered as a credit all moneys received by the city for licenses, the amount of any tax when levied, and all other moneys received, and in which shall be entered upon the debtor side all warrants drawn on the treasury. He shall also keep a book marked "Treasurer's account," in which he shall keep a full account of the transactions of the city with the treasurer. He shall also keep a book marked "City licenses," in which he shall enter all licenses issued by him, the date thereof, to whom issued, for what, the time when it expires and the amount paid. He shall also keep a book marked "City ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy of an ordinance of such city, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy, with said certificate, shall be *prima facie* evidence of the contents of the ordinance and of the passage and publication of the same, and shall be admissible as such evidence in any court or proceedings. Said records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. Each of the foregoing books, except the records of the city council and the board of equalization, shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein. The city clerk shall also keep a book marked "Demands and warrants," in which he shall



note every demand against the city and file the same. He shall state therein under the note of the demands, the final disposition made of the same; and if the same is allowed and a warrant is drawn, he shall also state the number of the warrant with sufficient dates. This book shall contain an index, in which reference shall be made to each demand. Upon the completion of the assessment roll of any of the taxes of the city, and levying of the tax thereon, the city clerk shall apportion the taxes upon such assessment roll and make out and deliver to the treasurer a tax list in the usual form, taking his receipt therefor. He may appoint a deputy for whose acts he and his bondsmen shall be held responsible; and he and his deputy shall have the power to administer oaths and affirmations, to take affidavits, and depositions to be used in any court or proceeding in the state, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the city, and certify the same without charge. He shall be the custodian of the seal of such city. He shall make a quarterly statement in writing, showing the receipts and expenditures of the city for the preceding quarter and the amount remaining in the treasury. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year and a full statement of the financial condition of the affairs of the city, which shall be published. He shall perform such other services as this act and the ordinances of the city council shall require.

SEC. 11. That section 135 of said act be amended to read as follows: Sec. 135. It shall be the duty of the city attorney to advise the city authorities and officers in all legal matters pertaining to the business of said city. He is authorized to bring suit in the name of such city in the proper court for the collection of any tax. He shall perform such other duties as the city council may by ordinance direct.

SEC. 12. That section 136 of said act be amended to read as follows: Sec. 136. The department of police of said city shall be under the direction and control of the city marshal, subject to the direction of the city council; and for the sup-

pression of any riot, public tumult, disturbance of the peace or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers and watchmen in said city, and every citizen shall also lend him aid when required, for the arrest of offenders and maintenance of public order. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute, before the police justice, all breaches or violations of, or non-compliance with, any city ordinance which shall come to his knowledge. He shall have charge of the city prison and prisoners, and of any chain gang which may be established by the city council. He shall, for service of any process, receive the same fees as constables. He may appoint, subject to the approval of the city council, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose only compensation shall be fees for the service of process, which shall be the same as those allowed to the city marshal. He may also, with the concurrence of the mayor, when the same may be by them deemed necessary for the preservation of public order, appoint additional policemen who shall discharge the duties assigned them for one day only. He shall perform such other services as this act and the ordinances of the city council shall require, and shall receive such compensation as shall be fixed by ordinance.

SEC. 13. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1893.