

CHAPTER CXII.

[H. B. No. 411.]

RELATING TO PUBLIC WORKS IN CITIES AND TOWNS.

AN ACT authorizing cities and towns to construct, condemn and purchasé, purchase, acquire, add to, maintain, conduct and operate water works, systems of sewerage, works for lighting, heating, fuel and power purposes, cable, electric and other rail-ways, with all land and property required therefor, providing for payment therefor, repealing an act entitled "An act relating to and authorizing cities and towns to purchase, construct and maintain water works, systems of sewerage, gas and electric light plants and to issue bonds to pay therefor, and declaring an emergency," approved February 10th, 1893, and declaring an emergency.

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

SECTION 1. That any incorporated city or town within the state be and is hereby authorized to construct, condemn and purchase, purchase, acquire, add to, maintain, conduct and operate water works within or without its limits for the purpose of furnishing such city or town, and the inhabitants thereof, and any other persons with an ample supply of water for all uses and purposes, public and private, including water power or other power derived therefrom, with full power to regulate and control the use, distribution and price thereof; and to construct and maintain systems of sewerage, with full jurisdiction and authority to manage, regulate and control the same, within and without the limits of the corporation; and to construct, condemn and purchase, purchase, acquire, add to, maintain and operate works, plants and facilities for the purpose of furnishing such city or town and the inhabitants thereof and any other persons with gas, electricity and other means, power and facilities for lighting, heating, fuel and power purposes, public and private, with full authority to regulate and control the use, distribution and price thereof; and to construct, condemn and purchase, purchase, acquire, add to, maintain and operate cable, electric or other railways within the corporate limits of such city or town, for the transportation of freight and passengers, with full authority to regulate and control the

Municipality may buy, construct, operate and sell water works.

Also sewerage system.

Also light, heat, fuel or power plants.

Also cable, electric and other railroads.

use and operation thereof, and to fix, alter, regulate and control the fares and rates to be charged thereon.

SEC. 2. Whenever the city council or other corporate authority of any such city or town shall deem it advisable that the city or town of which they are such officers shall exercise the authority conferred upon them in relation to water works, sewerage, works for lighting, heating, fuel and power purposes, or cable, electric or other railways, any or all thereof, the corporation 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 provide therefor by ordinance.

may be, and the same shall be submitted for ratification or rejection to the qualified voters of said city or town at a special election, of which thirty days notice shall be given in the newspaper doing the city or town printing, by publication in each issue of said paper during said time: *Pro-*

Submitted for ratification.

vided, That if the said city or town is to become indebted and issue bonds or warrants for such water works, sewerage system, lighting, heating, fuel and power works or railways, the said proposition and authority to become so indebted shall be adopted and assented to by three-fifths of the qualified voters of said city or town voting at said election, except as to the adoption or rejection of the system or plan of said improvements, which may be adopted by a majority vote. When such system or plan has been

Three-fifths vote necessary when debt is to be incurred.

adopted, and no indebtedness is to be incurred therefor, the corporate authorities may proceed forthwith to construct and acquire the improvements or lands contemplated, making payment therefor from any available funds. When the system or plan has been adopted and the creation of an indebtedness by the issuance of bonds or warrants assented to as aforesaid, the said corporation shall be authorized and empowered to construct and acquire the improvements or lands contemplated, and to create an indebtedness and to issue bonds or warrants therefor, or for combinations thereof, as hereinafter provided, to wit:

Otherwise a majority vote.

(a) General city or town bonds may be issued to an amount not exceeding five (5) per cent. of the taxable property, as shown on the last assessment roll of the city or town made for general municipal purposes; such bonds to

Shall acquire real estate for plant.

Bonds for same.

be additional to all other outstanding indebtedness of the city or town created within constitutional limits. The said 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 date, and shall bear interest not exceeding six 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 city or town. There shall be levied each year a tax upon the taxable property of such city or town as the case may be, sufficient to pay the interest on said bonds as the same accrues, and before seven years prior to the maturity thereof, an annual sinking fund tax sufficient for the payment of said bonds at maturity, which taxes shall become due and collectible as other taxes. Said bonds shall be printed, or engraved, or lithographed on good bond paper, and a duly authenticated copy of this act, together with the ordinance of the city or town authorizing and directing such special election, shall be printed on each bond, together with a printed copy of a signed statement by the mayor and clerk showing the result of said election. Such bonds shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town. A register shall be kept of all bonds, which register shall show the number, date, amount, interest, name of payee, and when and where payable, of each and every bond executed, issued or sold under the provisions of this subdivision.

Levy to pay interest and create sinking fund.

Sale of bonds.

Special fund created.

(b) A special fund may be created for the sole purpose of defraying the cost and expense of the construction or acquirement of each class of improvements or lands contemplated or any combination thereof, together with such interest as shall accrue upon the obligations issued therefor, into which said fund the authorities of said city or town may obligate and bind the said city or town to set aside and pay a fixed proportion of the revenues or proceeds to be derived from the plan or system, lands or uses of which

the said improvement forms the whole, or part, so long as any obligations are outstanding against said fund. In fixing said proportion the authorities of such city or town shall have due regard to the cost of operation and maintenance of the plan or system as constructed or added to, and shall not set aside into the special fund a greater proportion of the revenues or proceeds than, in their judgment, will be available over and above such cost of maintenance and operation. The city or town authorities may from time to time, by ordinance, transfer to any such special fund any other available funds of said city. Bonds or warrants may be issued against any such special fund to the amount of the costs or charges to be met therefrom. Such bonds or warrants shall be issued in denominations of not less than one hundred or more than one thousand dollars, shall be numbered from one up consecutively and shall bear interest not exceeding six per cent., payable semi-annually, the principal of any such bonds or warrants being payable upon call of the city or town treasurer in the order of their numbers whenever there is in such special fund, after payment of interest on all outstanding bonds or warrants, a sufficient balance to pay the same. And any such bonds or warrants issued against any special fund as herein provided shall be a valid claim of the holder thereof only as against the said special fund and the fixed proportion of special revenues obligated to be set aside therein, and shall not constitute an indebtedness of such city or town within the meaning of the constitutional provisions and limitations. The principal and interest of any such bonds or warrants shall be made payable at such place as may be designated. Each such bond or warrant shall state upon its face that it is payable from a special fund, naming said fund and the ordinance creating it. Said bonds or warrants shall be printed, or engraved or lithographed on good bond paper, and a duly authenticated copy of this act, together with the whole or a summary of the ordinances of the city or town authorizing and directing the special election and creating the special fund, shall be printed on each bond or warrant, together with a printed copy of a signed statement by the mayor and clerk show-

Proportion,
how fixed.

Bonds against
special fund.

Form of
bonds.

Sale of bonds.

ing the result of such election. Said bonds or warrants shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town, or the corporate authorities may provide in any contract for the construction or acquirement of the proposed improvement that payment therefor shall be made only in such bonds and warrants at the par value thereof. A register shall be kept of all bonds and warrants, which register shall show the number, date, amount, interest, name of payee and where payable, of each and every bond or warrant issued or sold under the provisions of this subdivision. Upon the creation of any such special fund and the issuance of any such obligation against same, the fixed proportion of revenue shall be set aside and paid into said special fund as provided in the ordinance creating said fund, and in case any city or town shall fail to thus set aside and pay such fixed proportion as aforesaid, the holder of any bond or warrant against such special fund may bring suit or action against said city or town and compel such setting aside and payment.

Previous
action of
municipality
validated.

SEC. 3. That in case the qualified electors of any city or town have heretofore at any election ratified any plan or system of improvements of the character set forth in this act, and have assented to an indebtedness therefor, which said election and ratification was held and made substantially in accordance with the provisions of section 2 of this act, such ratification of plan and assent to indebtedness shall be held to be sufficient without the necessity of another election; and the construction and acquirement of any such plan, system or lands, and the issuance of bonds or warrants in payment therefor, may be proceeded with by the corporate authorities of said city or town under the further provisions of this act.

Act 1893
repealed.

SEC. 4. That the act entitled "An act relating to and authorizing cities and towns to purchase, construct and maintain water works, systems of sewerage, gas and electric light plants, and to issue bonds to pay therefor, and declaring an emergency," approved February 10, 1893, be and the same is hereby repealed: *Provided*, That this repeal shall in no wise affect any proceedings, contracts or

indebtedness commenced, made or incurred in accordance therewith, which shall be completed and satisfied in accordance with the terms thereof.

SEC. 5. There being no adequate law in this state to authorize cities and town[s] to construct, condemn and purchase, purchase, acquire, add to, maintain and operate water works, systems of sewerage, works for lighting, heating, fuel and power purposes, cable, electric or other railways, and to provide for the payment therefor, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval by the governor.

Passed the House March 4, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 17, 1897.

CHAPTER CXIII.

[S. B. No. 15.]

ABOLISHING MUNICIPAL COURTS.

AN ACT to repeal an act entitled "An act creating and establishing municipal courts in cities of the State of Washington, having more than twenty thousand inhabitants, defining and prescribing their jurisdiction, regulating their practice and procedure and providing judges and clerks therefor, and declaring an emergency," approved February 28, 1891, and all acts amendatory thereof, and abolishing the courts and offices thereby created.

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

SECTION 1. That an act entitled "An act creating and establishing municipal courts in cities of the State of Washington, having more than twenty thousand inhabitants, defining and prescribing their jurisdiction, regulating their practice and procedure and providing judges and clerks therefor, and declaring an emergency," approved February 28, 1891, and all acts amendatory thereof, be and the same are hereby repealed, and the courts and offices thereby created be, and the same are, hereby abolished: *Provided,*