

CHAPTER LXXXV.

[S. B. No. 189.]

AMENDING BALLINGER'S CODE RELATIVE TO POWER OF INCORPORATED CITIES AND TOWNS TO MAINTAIN AND CONSTRUCT WATER WORKS, SEWERAGE, ETC.

AN ACT amending section 1077 of Ballinger's Annotated Codes and Statutes of Washington relating to the power of incorporated cities and towns to maintain and construct water works, sewerage, works for lighting, fuel and power purposes, or cable, electric or other railways, and declaring an emergency.

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

SECTION 1. That section 1077 of Ballinger's Annotated Codes and Statutes of Washington, relating to the power of incorporated cities and towns to construct and maintain water works be and the same is hereby amended to read as follows: Amendment.

Sec. 1077. 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 officers shall exercise the authority conferred upon them, in relation to water works, sewerage, and 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 be, and the same shall be submitted for ratification or rejection to the qualified voters of said city or town at a general or special election. Exercise of authority.

Ten days notice of the purpose to submit such system or plan to be voted on at such election shall be given in the newspaper doing the city or town printing by publication in each issue of said paper during said time: *Provided*, 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 or 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 Ordinance.

Submission to voters.

Notice thereof.

Adopted by
three-fifths
vote.

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 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

Construction.

payment therefor, from any available fund. 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

Acquisition of
improvements.

the improvements or lands contemplated, and to create an indebtedness and to issue bonds or warrants therefor, or for the condemnations thereof, as hereinafter

Issuance of
bonds.

provided, to-wit: (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 be additional to all other outstanding indebtedness of the city or town created within constitutional limits. The said bonds shall be issued

Denomina-
tions.

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

Signed by
mayor, etc.

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

Annual tax
levy.

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 sufficient for the payment of said bonds at maturity, which taxes shall become due and collectible as other taxes. Said bonds shall be printed and engraved, or lithographed on good

bond paper, and a duly authenticated copy of this act, together with the ordinance of the city or town directing the submission of such plan or system to the qualified voters of such city or town for ratification or rejection 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 the bonds, which register shall show the number, date, amount, interest, name of payee, and when and where payable, and each and every bond executed, issued or sold under the provisions of this sub-division. (b) A special fund may be created for the sole purpose of defraying the cost and expense of construction or acquirement of each class of improvements or lands contemplated, or any condemnation thereof, together with such interest as shall accrue upon the obligations issued therefor, into which said funds the authorities of said city or town may obligate and bind the city or town to set aside and pay a fixed proportion of the revenue 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 revenue and 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 cost or charges to be met therefrom. Such bonds or warrants shall be issued in denominations of not less than one hundred and not more than one thousand dollars, shall be numbered from one up con-

Bonds to be printed or lithographed.

Sale of bonds.

Register of bonds.

Special fund.

City bound to set aside fixed proportion of revenue.

Fixing of proportion.

Transfer of funds.

Issuance of bonds or warrants.

Interest. secutively, and shall bear interest not exceeding six per cent., payable semi-annually, the principal of any such bonds 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

Bonds a valid claim against special fund. 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

Where payable. 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. payable from a special fund, naming the 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 submission of such plan or system to the qualified voters of such city or town for ratification or rejection, and creating the special fund, shall be printed on each such bond or warrant, together with a printed copy of a signed statement by the mayor and clerks showing the result of such election. Said bonds or warrants shall

Summary to be printed on bonds. 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 par value thereof. A

Sale of bonds. 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 sub-division. Upon the creation of any such

Register.

special fund and the issuance of any such obligation against the 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 the city or town and compel such setting aside and payment.

Creation of special fund.

Upon failure to set aside holder may bring suit.

SEC. 2. An emergency exists and this act shall take effect immediately.

Emergency.

Passed the Senate February 26, 1901.

Passed the House March 12, 1901.

Approved by the Governor March 16, 1901.

CHAPTER LXXXVI.

[S. B. No. 138.]

AMENDING ACT RELATIVE TO DRAINAGE DISTRICTS

AN ACT amending section thirteen of an act entitled, "An act to provide for the establishment and creation of drainage districts and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof, and declaring an emergency," approved March 20, 1895.

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

SECTION 1. That section 13 of an act entitled "An act to provide for the establishment and creation of drainage districts, and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof, and declaring an emergency," approved March 20, 1895, be amended to read as follows: Section 13. If the board of drainage commissioners shall, at any time, discover that any lands within said district are being benefited by the drainage system, and the same were by mistake, inadvertence or other cause omitted from the assessment of benefits as provided for in the last preceding section, or which were omitted for the reason that they were not at the time of assessing the benefits provided for in said preceding section, for any cause, subject to a legal assessment,

Amendment.

Lands omitted from assessment.