

## CHAPTER 113.

[H. B. No. 286.]

## AMENDING ACT RELATIVE TO ORGANIZATION, CLASSIFICATION, ETC., OF MUNICIPAL CORPORATIONS; ELECTION AND APPOINTMENT OF MUNICIPAL OFFICERS, AND REPEALING CONFLICTING LAWS.

AN ACT to amend Section 1 of an act entitled "An act to amend an act entitled 'An act to amend Sections 105, 106, 114 and 117 of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations and declaring an emergency,' and approved March 27, 1890," approved March 9, 1891, and declaring an emergency, approved March 8, 1893; and repealing an act entitled "An act providing for the election of city marshal in cities of the third and fourth classes and other cities of equal population, approved March 20, 1895; and amending sections 108, 143, 144 and 146 of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency, approved March 27, 1890; and amending Section 2 of an act entitled "An act to amend sections 105, 106, 114 and 117 of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency,' and approved March 27, 1890," approved March 9, 1891, and amending Section 4 of an act entitled "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," approved March 9, 1893; and providing for the confirmation of appointments of municipal officers and employes made by the mayor.

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

SECTION 1. That section 1 of an act entitled "An act to amend an act entitled 'An act to amend sections 105, 106, 114 and 117 of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency,' and approved March 27, 1890," approved March 8, 1893, be amended to read as follows: Sec. 1. The mayor, members of the city council, treasurer, health officer, clerk and city attorney shall be elected by the qualified electors of said city at a general municipal election to be held therein,

Mayor, etc.,  
how elected  
and when.

on the first Tuesday after the first Monday in December in each year. The mayor, councilman-at-large, treasurer, health officer, clerk and city attorney shall hold office for the period of one year from and after the first Tuesday in January next succeeding the day of such election, and until their successors are elected and qualified. Members of the city council, other than councilman-at-large, shall hold office for the period of two years from and after the first Tuesday in January next succeeding the day of such election, and until their successors are elected and qualified: *Provided*, That the first city council elected under the provisions of this act shall, at their first meeting, so classify themselves by lot as that three of their number shall go out of office at the expiration of one year and three at the expiration of two years. *A marshal and police justice and such number of policemen as the council may provide by ordinance, shall be appointed by the mayor, and they shall hold office for the period of one year from and after the first Tuesday in January next succeeding the general municipal election and until their successors are appointed and qualified, unless sooner removed by the mayor by and with the consent of not less than four councilmen. The city council may, by ordinance, provide for the appointment by the mayor, of a pound-master, and a city engineer who shall hold office during the pleasure of the mayor, and the city council may also by ordinance provide for the appointment by the mayor of the following employes: Street superintendent, water superintendent and auditor, whose employment shall continue during the pleasure of the mayor.*

Term of office.

Classification of councilmen.

Marshal, police justice, etc.

City engineer and pound master.

Street superintendent, etc.

SEC. 2. That an act entitled "An act providing for the election of city marshal in cities of the third and fourth classes, and other cities of equal population," approved March 20, 1895, be and the same is hereby repealed.

Act of 1895 repealed.

SEC. 3. That section 108 of an act entitled "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved March 27, 1890, be amended to read as follows: Sec. 108. Any vacancy occurring in any of the offices provided for in this act shall be filled by *appointment by the mayor*, but if such office be elective, such appointee shall hold office only until the next regular election, at which time a person shall be elected to serve for the re-

Vacancies—how filled.

Office of  
councilman  
declared va-  
cant—when  
—and how  
filled.

mainder of such unexpired term. In case a member of the city council shall absent himself for three consecutive regular meetings thereof, unless by permission of the city council, his office shall be declared vacant by the city council and all vacancies in the city council shall be filled by a majority vote of such city council.

Government  
—in whom  
vested.

SEC. 4. That section 143 of said last named act be amended to read as follows: Sec. 143. The government of such town shall be vested in a mayor and council, to consist of five members, a clerk, a treasurer, a marshal who shall be ex-officio tax and license collector, a police justice who may be one of the justices of the peace of the *precinct* in which said town is situated; and such subordinate officers as are hereinafter provided for.

Election of  
mayor,  
councilmen  
and treasurer.

SEC. 5. That section 144 of said last named act be amended to read as follows: Sec. 144. The mayor, members of the council and the treasurer shall be elected by the qualified electors of said town at a general municipal election to be held therein on the first Tuesday after the first Monday in December in each year. The treasurer shall hold office for the period of one year from and after the second Tuesday in January next succeeding the day of such election, and until his successor is elected and qualified. The mayor and members of the council shall hold office for the period of two years from and after the second Tuesday in January next succeeding the day of such election, and until their successors are elected and qualified: *Provided*, That the first council elected under the provisions of this act shall, at their first meeting, so classify themselves by lot as that three of their number shall go out of office at the expiration of one year and two at the expiration of two years. *The mayor shall appoint a marshal and clerk. The city council may provide by ordinance for the appointment by the mayor of an attorney, pound-master, a superintendent of streets and civil engineer, and such police and other subordinate officers as in the judgment of the city council may be deemed necessary, and may by ordinance fix their compensation, which said officers shall hold office during the pleasure of the mayor.*

Term of  
office.

Proviso as  
to classifica-  
tion of coun-  
cilmen, and  
appointment  
of other  
officers.

Vacancies  
and absence  
—how filled.

SEC. 6. That section 146 of said last named act be amended to read as follows: Sec. 146. Any vacancy occurring in any of the offices provided for in this act shall be

filled by *appointment by the mayor*; but if such office be elective, such appointee shall hold office only until the next regular election, at which time a person shall be elected to serve for the remainder of said unexpired term. In case a member of the council is absent from town for three consecutive meetings, unless by permission of the council, his office shall by the council be declared vacant, and all vacancies in the council shall be filled by a majority vote of said council.

SEC. 7. That section 2 of an act entitled "An act to amend sections 105, 106, 114 and 117 of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency, and approved March 27, 1890,'" approved March 9, 1891, the same being section 3485 of Pierce's Code, be amended to read as follows: Sec. 2. At any meeting of the city council a majority of the councilmen shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The mayor shall preside at all meetings of the council, and in case of his absence the council may appoint a mayor *pro tem.*, and in case of the absence of the clerk the mayor or mayor *pro tem.* shall appoint one of the members of the city council as clerk *pro tem.*, but the appointment of a councilman as mayor *pro tem.*, or as clerk *pro tem.*, shall not in any way abridge his right to vote upon all questions coming before such council. Every ordinance which shall have passed the city council shall be, before it becomes valid, presented to the mayor; if he approves he shall sign it, but if not he shall return it, with his written objections to the city council and the council shall cause such written objections to be entered at large upon the journal of its proceedings. Upon receipt of the mayor's objections the council shall proceed to reconsider the vote by which the ordinance was passed. After such reconsideration, *five* members of the city council present and voting may, by an affirmative vote, pass the ordinance over the mayor's vote; such vote shall be taken by a call of the yeas and nays. If the mayor shall fail, for the period of ten days, to approve or veto an ordinance, it shall become valid without his approval.

Quorum in council.

Mayor to preside.

Mayor to approve ordinances.

Reconsideration and passage over veto.

Failure to approve or veto.

Confirmation  
of appoint-  
ments.

SEC. 8. *All appointments of officers and employes made by virtue of this act, shall be subject to confirmation by the city council. Final action on any appointment shall be taken by the city council not later than the second regular meeting after the submission of the same by the mayor to the city council: Provided, however, That failure by the city council to take such action on any appointment made by the mayor, within the time aforesaid, shall be deemed a confirmation. If the city council shall refuse to confirm any appointment of the mayor, then he shall at or before the next meeting of the council thereafter, appoint another person to fill the office or position, and he may continue to appoint until his appointment is confirmed. In case the mayor fails to make another appointment within one week from the rejection of the appointment for the same office or position, then the city council may elect a suitable person to fill the office or position during the term.*

Proviso for  
failure or  
refusal to  
confirm.

City council  
to make ap-  
pointments  
—when.

SEC. 9. That section 4 of an act entitled “An act to amend sections 107, 109, 113, 116, 124, 125, 126, 132, 133, 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,” approved March 9, 1893, the same being section 3487 of Pierce’s Code, be amended to read as follows: Sec. 4.

Franchises.

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 pub-

Publication  
of ordinances.

lished in a newspaper printed within said city, said publication shall be made by the newspaper designated as the official newspaper of said 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 franchise or valuable privilege shall be granted unless by the vote of at least five members of the city council. No ordinance and no resolution or order shall have any validity or effect, unless passed by the votes of at least four councilmen.* No ordinance shall take effect until five days from and after the date of its publication. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. No ordinance or any

Validity.

When to take  
effect.

section thereof shall be revised or amended unless the new <sup>Revision and amendment.</sup> ordinance contain the entire ordinance or section revised or amended, and the ordinance or section so amended shall be repealed.

SEC. 10. All acts and parts of acts in conflict with this <sup>Repeal.</sup> act are hereby repealed.

Passed the House March 4, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 16, 1903.

## CHAPTER 114.

[H. B. No. 82.]

### TO PROTECT FORESTS FROM FIRE.

AN ACT to protect from fire forests and other property, within the State of Washington, and creating forest fire wardens, deputies, patrolmen, and defining duties and providing penalties and declaring an emergency.

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

SECTION 1. That the State Land Commissioner shall be <sup>State Fire Warden.</sup> ex-officio State Forest Fire Warden.

SEC. 2. That the county commissioners of the various <sup>County Boards of Fire Wardens.</sup> counties shall constitute a county board of deputy forest fire wardens, and may appoint such deputy fire wardens as they may deem necessary and prescribe the territory to be patrolled by them, and fix their compensation, and may remove them at pleasure.

SEC. 3. That all State Land Cruisers shall be <sup>State Land Cruisers. Forest patrolmen.</sup> ex-officio Forest Patrolmen at Large.

SEC. 4. That timber cruisers and others in the employ <sup>Timber cruisers, etc. Special patrolmen.</sup> of corporations or individuals may, at the discretion of the State Forest Fire Warden, be vested with the duties and powers of special forest patrolmen at large, without compensation, or at the discretion of any county board of deputy forest fire wardens be vested with such powers within the limits of the county wherein such deputy forest fire