

## CHAPTER 98.

[H. B. 282.]

## RELATING TO LOCAL IMPROVEMENTS IN CITIES AND TOWNS.

AN ACT relating to local improvements in cities and towns, and repealing certain acts and parts of acts.

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

SECTION 1. *May Provide for Local Improvements.*

Any city or town in this state shall have power to provide for making local improvements and to levy and collect special assessments on property specially benefited thereby, for paying the cost and expense of the same or any portion thereof, as herein provided.

[See Sec. 71  
*infra* for  
schedule  
of acts  
repealed.]

Power  
conferred.

SEC. 2. *May Determine by Charter or Ordinance.*

Any city or town shall have power to determine by charter or ordinance what work shall be done or improvements made at the expense, in whole or in part, of the property specially benefited thereby; and to provide the manner of making and collecting assessments therefor in pursuance of this act.

SEC. 3. *May Provide for Sewer, Drain and Water Systems.*

Any city or town shall have power to provide for the sewerage, drainage and water supply thereof, and to establish, construct and maintain a system or systems of sewers and drains and a system or systems of water supply, within or without the corporate limits of such city or town, and to control, regulate and manage the same.

Water supply  
and sewerage.

SEC. 4. *May Provide for Protection from Overflow.*

Any city or town shall have power to provide for the protection of such city or town, or any part thereof, from overflow, and to establish, construct and maintain dikes, levees, embankments or other structures and works, or to open, deepen, straighten or otherwise enlarge natural water courses, waterways and other channels, including the acquisition or damaging of lands, rights-of-way, rights and property therefor, within or without the corporate

Provide  
protection.

limits of such city or town, and to manage, regulate and control the same.

*SEC. 5. May Provide for Protection from Fire by Means of Auxiliary Water Systems.*

Auxiliary  
water system.

Any city or town shall have power to provide for the protection of such city or town, or any part thereof, from fire, and to establish, construct and maintain an auxiliary water system, or systems, or extensions thereof, or additions thereto, and the structures and works necessary therefor or forming a part thereof, including the acquisition or damaging of lands, rights-of-way, rights, property, water rights, and the necessary sources of supply of water for such purposes, within or without the corporate limits of such city or town, and to manage, regulate and control the same.

*SEC. 6. Council to Order Improvements.*

Council  
order im-  
provements.

Improve-  
ments  
enumerated.

Whenever the public interest or convenience may require, the council, or other legislative authority of any such city or town, is hereby authorized and empowered to order the whole or any part of the streets, avenues, lanes, alleys, boulevards, park drives, parkways, public squares, and places within any such city or town to be graded or regraded, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped or otherwise improved, and to order sidewalks, drains, sewers and all sewer appurtenances, culverts, bulkheads, retaining walls, water mains, hydrants or appurtenances, curbing and crosswalks, street lighting systems, auxiliary water systems, dikes and embankments, bridges and trestles and approaches thereto, or other local improvement whatsoever to be constructed, reconstructed, repaired or renewed therein, and to order the planting, setting out, cultivating, maintaining and renewing of shade or ornamental trees and shrubbery thereon; and to order any and all work to be done which shall be necessary to complete any such improvement; and to levy and collect special assessments to pay the whole or any part of the cost and expense of any such improvement.

SEC. 7. *Method of Procedure.*

Whenever any city or town shall make local improvements at the cost and expense, in whole or in part, or property specially benefited thereby, the proceedings for the same shall be had as provided in this act.

SEC. 8. *Resolution or Petition.*

Any such improvement may be ordered only by ordinance of the council, or other legislative body of such city or town, either upon petition or resolution therefor.

Resolution  
or petition.

SEC. 9. *Petition.*

In case any such local improvement, the assessment district for which shall not extend beyond the termini of such improvement, shall be initiated upon petition, such petition shall set forth the nature and territorial extent of such proposed improvement, the mode of payment and the fact that the signers thereof are the owners, according to the records in the office of the county auditor, of property to an aggregate amount of a majority of the lineal frontage upon the improvement to be made and of the area within the limits of the assessment district to be created therefor. If any such property stands in the name of a deceased person, or any person for whom a guardian has been appointed, the signature of the executor, administrator or guardian as the case may be, shall be equivalent to the signature of the owner of the property on such petition.

Area of  
limits.

Such petition shall be presented to and filed with the city or town clerk, or with such officer, board or authority as may be designated by charter or ordinance. Upon filing such petition, the officer, board or authority required by charter or ordinance so to do shall ascertain if the facts set forth in said petition are true and shall cause an estimate of the cost and expense of such improvement to be made, and shall transmit the same to the council of such city or town, together with all papers and information in his or their possession touching such improvement, with the estimated cost thereof, and his or their recommendations thereof, together with a description of the

Petition  
filed.

boundaries of the district, and a statement of the proportionate amount of the cost and expense of such improvement which should be borne by property within the proposed assessment district and a statement of the aggregate assessed valuation of the real estate exclusive of improvements in said district according to the valuation last placed upon it for purposes of general taxation.

In case such petition shall be found sufficient, such board, officer or authority shall also transmit to the council a diagram or print showing thereon the lots, tracts or parcels of land and other property which will be specially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each such lot, tract or parcel of land or other property.

SEC. 10. *Resolution.*

Any such improvement may be initiated directly by the city or town council by a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, and notifying all persons who may desire to object thereto to appear and present such objections at a meeting of the council at the time specified in such resolution; and directing the proper board, officer or authority to submit to the council at or prior to the date fixed for such hearing the estimated cost and expense of such improvement, and a statement of the proportionate amount thereof which should be borne by the property within the proposed assessment district, and a statement of the aggregate assessed valuation of the real estate, exclusive of improvements, within said district according to the valuation last placed upon it for the purposes of general taxation, together with a diagram or print showing thereon the lots, tracts and parcels of land and other property which will be specially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each lot, tract, or parcel of land or other property. Such resolution shall be published in at least two consecutive issues of the official newspaper of such city or town, the

Diagram  
submitted.

Resolution  
to improve.

Objections  
heard.

Publish  
resolution.

date of the first publication to be at least fifteen (15) days prior to the date fixed by such resolution for hearing before the city council: *Provided*, That in any city or town not having an official newspaper, such publication may be made in any newspaper of general circulation published therein, or in case there be no such newspaper, then in a newspaper published in the county in which such city or town is located and of general circulation in such city or town.

SEC. 11. *Diagram Not Conclusive.*

The diagram or print herein directed to be submitted to the council, shall be in the nature of a preliminary determination by such administrative board, officer or authority upon the method and relative estimated amounts of assessments to be levied upon the property specially benefited by such improvement, and shall in no case be constructed as being binding or conclusive in any way upon any such board, officer or authority, in the preparation of the assessment roll for such improvement, or upon the council upon any hearing affecting such roll.

Estimated  
amounts of  
assessments.

SEC. 12. *Limit of Assessment.*

The council shall have jurisdiction to proceed with any such improvement initiated by petition or resolution: *Provided*, That in any city of the first class it appears from the certificate of the board, officer, or authority designated by charter or ordinance to determine the same that the estimated cost and expense thereof does not exceed fifty per cent. (50%) of the valuation of the real estate, exclusive of improvements thereon, within the proposed improvement district according to the valuation last placed upon it for purposes of general taxation: *Provided*, That this limit may be exceeded when any such improvement shall be petitioned for in the manner provided in section 9 of this act, and such petition shall be signed by the owners of the area within the limits of the proposed improvement district, and shall specify a certain higher percentage up to which the property within such proposed improvement district may be assessed.

Limit of  
assessment.

In the absence of fraud or gross mistake, such certificate of such board, officer or other authority shall be final and conclusive.

Computing valuations.

In computing the valuation of such property, any non-assessable property owned by the United States, state, county, city, town, school district or other public corporation, shall be valued at the same rate as assessed property similarly situated.

SEC. 13. *The Improvement District.*

District named.

Every ordinance ordering any improvement mentioned in this act, payment for which shall be made in whole or in part by special assessments, shall establish a local improvement district to be called "Local Improvement District No. . . . .," which district shall embrace as near as may be all the property specially benefited by such improvement. Except in the cases herein otherwise specifically provided for, and unless otherwise provided in the ordinance ordering such improvement, such district shall include all the property between the termini of said improvement abutting upon, adjacent, vicinal or proximate to the street, avenue, lane, alley, boulevard, park drive, parkway, public place or square proposed to be improved to a distance back from the marginal lines thereof to the center line of the blocks facing or abutting thereon: *Provided*, That in any case such distance back shall be at least ninety (90) feet: *And provided further*, That in case of unplatted property, the distance back shall be the same distance as that included in the assessment of the platted lands immediately adjacent thereto. All property included within said limits of such local improvement district shall be considered and held to be the property and to be all the property specially benefited by such local improvement, and shall be the property to be assessed to pay the cost and expense thereof or such part thereof as may be chargeable against the property specially benefited by such improvement, which cost and expense shall be assessed upon all of said property so benefited in accordance to the special benefits conferred on such property in proportion to

District to include.

Property benefited.

area and distance back from the marginal line of the street, or other public way or area improved. Said local improvement district shall, for the purpose of ascertaining the amount to be assessed against such separate lot, tract, parcel of land or other property within said district be divided into subdivisions or zones paralleling the margin of the street, avenue, lane, alley, boulevard, park drive or parkway, public place or square to be improved, said subdivisions to be numbered respectively first, second, third, fourth and fifth. The first subdivision shall include all the lands within the district lying between the street margins and lines drawn parallel therewith and thirty (30) feet therefrom. The second subdivision shall include all lands within the district lying between lines drawn parallel with and thirty (30) feet and sixty (60) feet respectively from said street margins. The third subdivision shall include all lands within the district lying between lines drawn parallel with and sixty (60) feet and ninety (90) feet respectively from such street margins. The fourth subdivision shall include all lands, if any, within the district lying between lines drawn parallel with and ninety (90) feet and one hundred twenty (120) feet respectively from said street margins. The fifth subdivision shall include all lands, if any, within the district lying between a line drawn parallel with and one hundred twenty (120) feet from said street margin and the outer limit of said local improvement district as hereinbefore described.

Subdivisions.

The rate of assessment per square foot in each subdivision shall be fixed on the basis that the special benefits conferred on a square foot of land in subdivisions first, second, third, fourth and fifth, respectively, are related to each other as are the numbers 45, 25, 20, 10 and 5, respectively, and shall be ascertained in the following manner: The products of the number of square feet in subdivisions first, second, third, fourth and fifth, respectively, and the numbers 45, 25, 20, 10 and 5, respectively, shall be ascertained, and their sum taken, which sum shall be divided into the total cost and expense of such improvement. The

Rate of  
assessment.

products of the resultant quotient and the numbers 45, 25, 20, 10 and 5, respectively, shall be the separate rates of assessment per square foot for subdivisions first, second, third, fourth and fifth, respectively. The total assessment thus ascertained against each separate lot, tract, parcel of land, or other property within such district shall be entered upon the assessment roll as the amount to be levied and assessed against each such separate lot, tract, parcel of land, or other property.

SEC. 14. *Enlarged District.*

Enlarged  
district.

Petition  
to state.

Whenever any local improvement shall be of such nature and character that the special benefits resulting therefrom extend beyond the boundaries of the local improvement district hereinbefore described and defined, the council may create an enlarged district, which shall include as near as may be all the property specially benefited by such improvement. In such case, the petition or resolution initiating such improvement shall state that it is proposed to create an enlarged district to pay the whole or a portion of the cost and expense of such improvement and shall specify and describe the boundaries of such enlarged district, and shall specify a fixed amount of the cost and expense of such improvement to be assessed against that portion of the property within such enlarged district, lying between the termini of the proposed improvement and extending back from the marginal lines thereof to the middle of the block on each side thereof, in the mode prescribed in the preceding section hereof, and that such portion of the remainder of such cost and expense, as may not be borne by any general fund, shall be distributed and assessed against all the property included in the remainder of such enlarged district in accordance with special benefits.

Describe  
boundaries.

The council in case it shall order such improvement, shall in the ordinance therefor specify and describe the boundaries of such district as defined in such petition or resolution.



SEC. 15. *Trunk Sewers and Water Mains.*

Any city or town shall have power to provide for the construction of trunk sewers, and trunk water mains, and for the payment of all or any part of the cost and expense thereof by the levying and collecting of assessments upon property specially benefited thereby. In any such case the district created to bear such assessment shall be outlined in conformity with topographical conditions, and in case of trunk sewers, shall include as near as may be all the territory which can be sewerred or drained through such trunk sewer and the sub-sewers connected thereto, and in case of trunk water mains, shall include as near as may be all the territory in the zone or district to which water may be distributed from such trunk water main through lateral service and distribution mains and services. In distributing such assessments, there shall be levied against the property lying between the termini of the improvement and back to the middle of the blocks along the marginal lines of the street or areas improved, such amounts as would represent the reasonable cost of a local sewer and its appurtenances, or water main and its appurtenances suited to the requirements of such territory in the mode prescribed in section 13 hereof, and the remainder of the cost and expense of such improvement shall be distributed over and assessed against all of the property within the bounds of said entire district in accordance with the special benefits conferred thereon and in proportion to area.

Sewers and  
water mains.

Distributing  
assessments.

SEC. 16. *Resolution and Ordinance for Trunk Sewers and Water Mains.*

The council, before ordering the construction of any trunk sewer or trunk water main, shall pass a resolution declaring its intention to order such improvement, which resolution shall set forth the general nature of such improvement, describing the routes along which such trunk sewer, sub-sewer and branches, or trunk water main and laterals is to be constructed, and notifying all persons

Resolution  
to improve.

who may desire to object thereto to appear at a meeting of the council at a time specified in such resolution and present their objections thereto, and directing the proper board, officer or authority to report to the council at or prior to the date fixed for such hearing, the estimated cost and expense of such improvement. Such resolution shall be published in all respects the same as provided for the publication of resolutions mentioned in section 10 of this act.

Order by ordinance.

Maps and plans.

The council may order such improvement only by ordinance, which ordinance shall describe the routes along which such improvement is to be constructed, and established and fix the boundaries of the district to be assessed for such improvement. Maps, plans and specifications therefor shall be prepared in such manner as may be prescribed by ordinance, but shall be adopted by ordinance before the contract for such improvement shall be let.

SEC. 17. *Resolution and Ordinance for Dikes, Embankments, Etc.*

Notice to appear.

The council, before ordering the construction of any improvement provided for in section 4 of this act, if the same or any part thereof is to be paid by special assessment as hereinbefore provided, shall first pass a resolution declaring its intention to order such improvement, which resolution shall set forth the general nature of such improvement, the place of commencement and ending thereof, the route to be used, the estimated cost and expense thereof, the boundaries of the special assessment district to be formed, and notifying all persons who may desire to object thereto to appear at a meeting of the council at a time specified in such resolution and present their objections thereto. Such resolution shall be published in all respects as other resolutions provided for in section 10 of this act are required to be published. If protests against such improvement are filed by the owners of property included in said proposed assessment district against such improvement, representing an aggregate amount of two-thirds of the area included in such proposed district, the

council shall not proceed further with the work under such resolution.

The council may order such improvement only by ordinance, which ordinance shall describe the place of commencement and ending of such improvement, the route to be used, shall establish and fix the boundaries of such district and shall adopt the maps, plans and specifications for such improvement. Fix district.

**SEC. 18. *Resolution and Ordinance for Auxiliary Water System.***

The council before ordering the construction of any improvement authorized in section 5 herein, shall first pass a resolution declaring its intention to order such improvement, which resolution shall set forth the general nature of such improvement, describing the routes along which such auxiliary water system, or extensions thereof or additions thereto, is to be constructed, specifying the structures or works necessary thereto or forming a part thereof, the estimated cost and expense thereof, the boundaries of the local improvement district to be formed to pay the whole or any portion of such cost and expense, and notifying all persons who may desire to object thereto to appear at a meeting of the council at a time specified in such resolution and present their objections thereto. Such resolution shall be published in all respects as other resolutions provided for in section 10 of this act are required to be published. Estimated cost.

The council may order such improvement only by ordinance, which ordinance shall describe the route to be used, specify the structures or works necessary thereto or forming a part thereof, fix and establish the boundaries of such district, and adopt the maps, plans and specifications for such improvement.

**SEC. 19. *Action of Council Conclusive.***

The council may continue the hearing upon any petition or resolution provided for in this act and shall retain jurisdiction thereof until the same be finally disposed of. The action and decision of the council as to all matters passed Conclusive action.

upon by it in relation to any such petition or resolution shall be final and conclusive.

SEC. 20. *The Assessment Lien.*

Assessment  
lien.

The charge on the respective lots, tracts, parcels of land and other property, for the purpose of special assessments to pay the cost and expense, in whole or in part of any improvement authorized in this act, when assessed and the assessment roll confirmed by the legislative body of such city or town in the manner therein provided by ordinance, shall be a lien upon the property assessed from the time said assessment roll shall be placed in the hands of the officer authorized by law to collect such assessments. Said lien shall be paramount and superior to any other lien or incumbrance whatsoever, theretofore or thereafter created except a lien for assessments for general taxes.

Superior  
lien.

SEC. 21. *The Assessment Roll and Objections Thereto.*

Hear  
objections.

Whenever any assessment roll for local improvements shall have been prepared as provided by law, such roll shall be filed with the clerk of such city or town. The council shall thereupon fix a date for hearing upon such roll before the council and direct the clerk to give notice of such hearing and the time and place thereof.

May correct  
or revise.

Such notice shall specify such time and place of hearing on such roll, and shall notify all persons who may desire to object thereto to make such objections in writing and to file the same with such clerk, at or prior to the date fixed for such hearing; and that at the time and place fixed and at such other times as the hearing may be continued to, the council will sit as a board of equalization for the purpose of considering such roll, and at such hearing, or hearings, will consider such objections made thereto, or any part thereof, and will correct, revise, raise, lower, change or modify such roll, or any part thereof, or set aside such roll and order that such assessment be made *de novo*, as to such body shall appear just and equitable, and then proceed to confirm the same by ordinance.

Such notice shall be published at least five (5) times in the official daily newspaper of such city or town or two (2)

times in the official weekly newspaper of such city or town, or, in the case of any city or town not having an official newspaper, then in such other newspaper designated in section 10 of this act: *Provided*, That at least fifteen (15) days must elapse between the date of last publication thereof and the date fixed for such hearing.

Publish  
notice.

The council or other legislative body of such city or town, at the time fixed for hearing objections to the confirmation of said roll, or at such time or times as said hearing may be adjourned to, shall have power to correct, revise, raise, lower, change or modify such roll, or any part thereof, and to set aside such roll and order that such assessment be made *de novo*, as to such body shall appear equitable and just, and then shall confirm the same by ordinance. All objections shall state clearly the grounds of objections; and objections not made within the time and in the manner herein prescribed shall be conclusively presumed to have been waived.

New assess-  
ment may  
be made.

Whenever any such roll shall be amended so as to raise any assessments appearing thereon, or to include omitted property, a new time and place for hearing, and a new notice of hearing on such roll, as amended, shall be fixed and given as in the case of an original hearing: *Provided*, That whenever any property shall have been entered originally upon such roll and the assessment upon any such property shall not be raised, no objections thereto shall be considered by the council or by any court on appeal, unless such objections be made in writing at, or prior to the date fixed for the original hearing upon such roll.

Objections  
in writing.

#### SEC. 22. *Method of Appeal.*

The decision of the council or other legislative body upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the clerk of such city or town and with the clerk of the superior court in the county in which such city or town is situated within ten days after the ordinance confirming

Review by  
court.

such assessment roll shall have become effective, and such notice shall describe the property and set forth the objections of such appellant to such assessment; and, within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the ordinance confirming such assessment roll, and the record of the council or other legislative body with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such city or town clerk and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court, the appellant shall execute and file with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of said court, conditioned to prosecute such appeal without delay and, if unsuccessful, to pay all costs to which the city is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three (3) days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the head of the legal department of such city or town, and to the city clerk, that such transcript is filed. Said notice shall state a time (not less than three (3) days from the service thereof) when the appellant will call up the said cause for hearing; and the superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury; and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in cities and towns and

Transcript  
furnished.

Bond  
executed.

actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment in so far as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court from the judgment of the superior court, as in other cases: *Provided, however,* That such appeal must be taken within fifteen (15) days after the date of the entry of the judgment of such superior court; and the record and opening brief of the appellant in said cause shall be filed in the supreme court within sixty (60) days after the appeal shall have been taken by notice as provided in this act. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. And the supreme court, on such appeal may correct, change, modify, confirm or annul the assessment in so far as the same affects the property of the appellant. A certified copy of the order of the supreme court upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

Court confirm.

May appeal.

SEC. 23. *Proceedings Conclusive.*

Whenever any assessment roll for local improvements shall have been confirmed by the council or other legislative body of such city or town as herein provided, the regularity, validity and correctness of the proceedings relating to such improvement, and to the assessment therefor, including the action of the council upon such assessment roll and the confirmation thereof, shall be conclusive in all things upon all parties, and cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objections to such roll in the manner and within the time provided in this act, and not appealing from the action of the council in confirming such

Proceedings conclusive.

assessment roll in the manner and within the time in this act provided. No proceeding of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any such assessment, or the sale of any property to pay such assessment, or any certificate of delinquency issued therefor, or the foreclosure of any lien issued therefor: *Provided*, That this section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds (1) that the property about to be sold does not appear upon the assessment roll, or (2) that said assessment has been paid.

May use  
injunction.

SEC. 24. *Time of Payment, Interest, Penalty.*

Any city or town shall prescribe by ordinance within what time such assessments, or installments thereof, shall be paid; and shall provide for the payment and collection of interest thereon, at a rate not to exceed eight per cent. per annum. Assessments or installments thereof, when delinquent, in addition to such interest shall bear such penalty not less than five per cent. as shall be by general ordinance prescribed. Interest and penalty shall be included in, and shall be a part of, the assessment lien. All local assessments becoming a lien upon any property in any city or town after this act shall become effective, shall be collected by the treasurer of such city or town, and all such liens shall be enforced in the manner herein prescribed: *Provided*, That in cities and towns other than cities of the first class, delinquent assessments, or delinquent installments thereof, shall be certified to the treasurer of the county in which such city or town is situate and by him entered upon the general tax rolls and collected as other general taxes are collected. The county treasurer shall remit to the city treasurer on the tenth of each month all sums so collected. All local assessments becoming a lien upon any property in any such city or town prior to the date this act shall become effective, shall be collected and such liens enforced in accordance with the laws in force and effect prior to the taking effect of this act: *Provided*, That in the enforcement of any such liens, any city or town may proceed under the

Interest  
rate.

Lien on  
property.

Date of  
remittance.



provisions of this act, unless such proceedings shall have been already commenced.

SEC. 25. *Sale for Delinquent Assessments.*

Any city or town may by general ordinance provide for the sale of property described in any local assessment roll, after the assessment or any installment thereof shall have become delinquent, whether any such assessment became a lien after this act becomes effective, or prior thereto, for the amount of such delinquent assessment, or installment, together with penalty and interest accruing to date of sale, and for the costs of such sale; and for the execution and delivery by the treasurer of such city or town of certificates of sale to the purchaser, and for the execution by such treasurer of an assessment deed to the person thereunto entitled.

Delinquent  
assessments.

The treasurer shall give notice of such sales by publishing a notice thereof once a week for three consecutive weeks in the official newspaper of the city or town, or, in the case of any city or town not having an official newspaper, then in such newspaper specified in section 10 of this act. Such notice shall contain a list of all property upon which such assessments are delinquent with the amount of the assessments, interests, penalties and costs to date of sale, including the cost of advertising such sale, together with the names of the owners of such property, or the words "Unknown Owners," as the same may appear upon said assessment roll, and shall specify the time and place of sale, and that the property therein described will be sold to satisfy the assessments, interests, penalties and costs, due upon the same. All such sales shall be made between the hours of ten o'clock a. m. and four o'clock p. m. and shall take place at the front door of the building in which the city or town council holds its sessions. Such sale shall be continued from day to day, omitting Sundays and legal holidays, until all the property described in said assessment roll on which any such assessment, or installment thereof, is delinquent and unpaid, is sold. All such sales shall be public, and each lot, tract or parcel of land, or other property,

Publish  
notice.

Hours of  
sale.

shall be sold separately and in the order in which the same appears upon the assessment roll, commencing at the beginning thereof.

Relating  
to sale.

All lots, tracts and parcels of land and other property sold for delinquent and unpaid local assessments, shall be sold to the first person at such sale offering to pay the amount due on each such lot, tract or parcel of land or other property. If there be no bidder for any lot, tract or parcel of land, or other property, for a sum sufficient to pay the delinquent and unpaid assessments thereon, or installment thereof, with interest, penalty and costs, the treasurer shall strike the same off to the city or town for the whole amount which he is required to collect by such sale. If any bidder to whom any property is stricken off at such sale does not pay the assessment, interest, penalty and costs before ten o'clock a. m. of the day following the day of such sale, such property must then be resold, or if the assessment sale is closed, be deemed to have been sold to the city or town, and a certificate of sale shall be issued to the city or town therefor.

SEC. 26. *Return of Sale.*

Return  
of sale.

Within fifteen days after the completion of the sale of all property described in such assessment rolls, and authorized to be sold as aforesaid, the treasurer must make return to the comptroller, or other officer by whom the warrant was issued for such sale, with a statement of his action thereon, showing all the property sold by him, to whom sold and the sums paid therefor.

SEC. 27. *Certificate of Sale.*

Certificate  
of sale.

After receiving the amount of the assessment, penalty, interest, costs and charges, the treasurer shall make out a certificate, dated on the day of sale, stating (when known) the name of the owner as given on the assessment roll, a description of the land or other property sold, the amount paid therefor, the name of the purchaser, that it was sold for the assessment, giving the names of the streets, or other brief designation of the improvement for which the assessment was made, and specifying that the purchaser

will be entitled to a deed two years from the date of sale, unless redemption thereof be made. Such certificate shall be signed by the treasurer, and shall be delivered to the purchaser, and shall be by such purchaser recorded in the office of the county auditor in which the lands or other property is situated within three months from the date thereof. If not recorded within said time, the lien thereof shall be postponed to claims of subsequent purchasers and incumbrancers for value and in good faith who become such while the same is unrecorded.

Date for  
deed.

The city or town comptroller, if there be such officer, and if not then the city or town clerk, shall be the custodian of all certificates for property sold to the city or town and shall at any time within two years from the date of such certificate, and before redemption of the property therein described, sell and transfer any such certificate to any person who will present to him the treasurer's receipt evidencing payment to the treasurer of the amount for which the property therein described was stricken off to the city, with interest subsequently accrued to date of such payment thereon, and such comptroller or clerk may, if so authorized by the council, sell and transfer any such certificate in like manner after the expiration of such period of two years from the date of the certificate.

Custodian of  
certificates.

#### SEC. 28. *Redemption Fund.*

All moneys collected by the treasurer upon any assessments under this act shall be kept as a separate fund, to be known as "Local Improvement Fund, District No.—" and shall be used for no other purpose than the redemption of warrants and bonds drawn or issued upon or against said fund.

Redemption  
fund.

#### SEC. 29. *Liability of Treasurer.*

If the treasurer shall receive any moneys for assessments, giving a receipt therefor, for any property and afterward return the same as unpaid, or shall receive the same after making such return, and the same be sold for assessment which has been so paid and receipted for by himself, his clerk, assistant or deputy, he and his bond shall be liable to

Liability of  
treasurer.

the holder of the certificate given to the purchaser at the sale for the amount of the face of the certificate, and legal interest to be demanded within two years from the date of sale and recovered in any court having jurisdiction of the amount, and the city shall in no case be liable to the holder of such certificate.

SEC. 30. *Record of Payment.*

Record of  
payment.

Whenever before the sale of any property the amount of any assessment thereon, with interest, penalty, costs and charges accrued thereon, shall be paid to the treasurer, he shall thereon mark the same paid, with the date of payment thereof on the assessment roll, and whenever after the sale of any property for any assessments the same shall be redeemed, he shall thereupon enter the same redeemed with the date of such redemption on such record. Such records shall be made on the margin of the record opposite the description of such property.

SEC. 31. *Property Held in Trust.*

Property  
held in  
trust.

Whenever any property shall be bid in by any city or town or be stricken off to any city or town under and by virtue of any proceeding or proceedings provided in this act said property shall be held in trust by said city or town for the fund of the improvement district for the creation of which fund said assessment was levied and for the collection of which assessment said property was sold, to the extent of the amount of the assessment or installment for which said property was sold, with penalty, accrued interest, and interest on said installment to time of next call for bonds or warrants: *Provided, however,* Such city or town may at any time after the procuring of a deed pay in to such fund the amount of the delinquent assessment for which said property was sold and all accrued interest and interest to the time of the next call for bonds or warrants issued against such assessment fund at the rate provided thereon, and thereupon shall take and hold said property discharged of such trust.

SEC. 32. *Sale of Property Held in Trust.*

Any city or town may at any time after the period of redemption has expired and deeds issued to said city or

town under and by virtue of any proceedings mentioned in this act, sell any such property at public auction to the highest bidder for cash, but no bid shall be accepted for any amount less than the amount set forth in said deed, plus accrued interest to date of sale, computed on the assessment for which said property was sold from the date of the execution of said deed, and all delinquent assessments and taxes that may stand against said property with accrued interest thereon, penalties, costs and other charges, and the said city or town shall pay into said fund for which said property was held in trust so much thereof as shall fully cancel the assessment for which said property was sold, together with all interest thereon.

May sell at  
auction.

Any such sale shall be had only upon notice setting forth a description of the property to be sold, that the city treasurer will sell such property on the day specified at the front door of the building in which the city or town council holds its sessions, between the hours of ten o'clock a. m. and four o'clock p. m. and continue such sale from day to day, or withdraw such property from sale after the first day if the treasurer in his discretion deems that the interests of the city or town so require. Such notice shall be published at least five times in the official daily newspaper of such city or town, or at least two times in the official weekly newspaper of such city or town, or in the case of any city or town not having an official newspaper then at least two times in such other newspaper mentioned in section 10 of this act: *Provided*, That at least fifteen days shall elapse between the date of last publication of such notice and the day such property is sold.

Notice  
published.

### SEC. 33. *Redemption and Deed.*

Any property so sold for an assessment shall be subject to redemption by the former owner, or his grantee, mortgagee, heir, or other representative at any time within two years from the date of the sale upon the payment to the treasurer for the purchaser of the amount for which the same was sold, with interest at the rate of fifteen per cent. (15) per annum, together with all taxes and special as-

Redemption  
limit two  
years.

sessments, interest, penalties, costs and other charges thereon paid by the purchaser of such property at or since such sale, with like interest thereon. Unless written notice of taxes and assessments subsequently paid, and the amount thereof, shall be deposited with the city or town treasurer, redemption may be made without including the same. On any such redemption being made, the treasurer shall give to the redemptioner a certificate of redemption therefor, and pay over the amount so received to the purchaser of the certificate of sale or his assigns. Should no redemption be made within said period of two years, the treasurer shall, on demand of the purchaser or his assigns, and the surrender to him of the certificate of sale, execute to such purchaser or his assigns, a deed for the property therein described: *Provided*, That no such deed shall be executed until the holder of such certificate of sale shall have notified the owners of such property that he holds such certificate, and that he will demand a deed therefor. Said notice shall be given by personal service upon said owners: *Provided*, That in case said parties are non-residents of the state or cannot be found therein after diligent search, then such notice may be given by publication in the official paper of the city or town, or if there be no official paper, then in the manner provided in section 10 of this act, once a week for three successive weeks. Such notice and return thereof, with the affidavit of the person, or in case of a city or town, of the comptroller or clerk, claiming such deed, showing that such service was made, shall be filed with the treasurer. If, notwithstanding such notice, no redemption be made within sixty days after the date of service, or the date of first publication of such notice, the holder of such certificate of sale shall be entitled to a deed thereon. Such deed shall be executed only for the property described in the certificate, and after payment of all delinquent taxes and special assessments thereon, or installments thereof, and certificates of delinquency or other certificates issued for special or local assessments, whether the same were levied, assessed or issued prior or subsequent to the issuance of said certificates of sale: *Provided*, That any such deed may

Treasurer  
issue deed.

Notice by  
publication.

be issued to any city or town for the face amount for which said certificate of sale was issued, plus accrued interest, costs, penalties and charges, and shall be held by such city or town subject to the liens of general taxes and special assessments.

May be held by city or town.

The deed shall be executed in the name of the city or town by which the improvement was made; shall recite in substance the matters contained in the certificate of sale, the notice to the owner, and that no redemption has been made of the property within the time allowed by law. The deed shall be signed and acknowledged by the city or town treasurer, as such, and shall be *prima facie* evidence that the property was assessed according to and as required by law; that the assessment was not paid; that the property was sold as required by law; that it was not redeemed; that due notice of demand for deed had been given, and that the person executing the deed was the proper officer; and the deed shall be conclusive evidence of the regularity of all other proceedings from the assessment, up to and including the execution of the deed, and shall convey the entire fee simple title to the property therein described, except as otherwise provided herein for cities and towns, stripped of all liens and claims except assessments for local improvements or installments thereof, not delinquent.

Deed shall show what.

#### SEC. 34. *Foreclosure.*

Any city or town may proceed with the collection or enforcement of any delinquent assessment, or delinquent installment, whether the same became a lien after this act shall become effective, or prior thereto, by proceedings in court therefor in an action brought in its own name in the superior court in the county in which such city or town is situate. It shall not be necessary to bring a separate suit for each such separate piece or parcel of property delinquent, but all or any part of the property delinquent under any single assessment roll, or assessment district, may be proceeded against in the same action, and all or any of the owners or persons interested in any of the property so delinquent may be joined as parties defendant in the action

Foreclosure.

Joined as parties defendant.

to foreclose, and all or any liens for such delinquent assessments, or instalments thereof, may be foreclosed in such proceeding. Such proceeding shall be tried before the court without a jury. In any such proceeding, it shall be sufficient to allege the passage of the ordinance providing such improvement, the making of such improvement, the levying of the assessment, the confirmation thereof, the date of delinquency of such assessment or instalment, and that such assessment was not paid prior to such delinquency or at all. The assessment roll and confirmatory order, or duly authenticated copies thereof shall be *prima facie* evidence of the regularity and legality of the proceedings connected therewith, and the burden of proof shall be on the defendants. In any such action where the owners or parties interested in any particular lot, tract or parcel of land or other property included in such suit shall suffer a default, the court may enter judgment of foreclosure and sale as to such parties and property so in default and order execution thereon, and the action may proceed as to the remaining defendants and property. The judgment of the court shall specify separately the amount of the assessment, or instalment thereof, with interest, penalty and costs, chargeable to the several lots, tracts and parcels of land and other property in such proceedings. Such judgment shall have the effect of a separate judgment as to each lot, tract or parcel of land or other property, described in such judgment, and any appeal from such judgment shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In entering judgment, the court shall decree that such lots, tracts, or parcels of land or other property be sold to enforce such judgment and execution shall issue for the enforcement of such decree. Judgment may be entered as to any one or more separate lots, tracts or parcels of land or other property involved in such proceeding, and the court may retain jurisdiction of the case as to the balance. All proceedings supplemental to judgment, including appeal, order of sale, sale, period of redemption and the issuance of deed shall be

Judgment  
specify  
separately.

Parts of  
tracts sold.



had and conducted in accordance with the law, now or hereafter in force, relating to property sold under or upon foreclosure of real estate mortgages.

SEC. 35. *Enforcement of Subsequent Liens Authorized.*

When the assessment upon property is payable in instalments, the enforcement of the lien of any instalment by any method herein authorized shall not prevent the enforcement of the lien of any subsequent instalment by any method herein authorized when the same may become delinquent.

Enforcement  
of lien.

Any such city or town may provide by general ordinance that, upon failure to pay any instalment when due, the entire assessment shall become due and payable and the collection thereof enforced in the manner prescribed.

SEC. 36. *Certificates of Delinquency.*

Any city or town may, by general ordinance, provide for the issuance of certificates of delinquency for any and all delinquent assessments, or instalments thereof, heretofore or hereafter levied, and any penalty and interest thereon to date of issuance. Such certificates of delinquency shall constitute a lien against the property upon which such assessments were levied, and shall bear interest from the date of issuance thereof at the rate of fifteen per cent. (15%) per annum, and may be foreclosed after two years from the date of their issuance in the same manner and with the same effect as mortgages upon real estate are foreclosed. Such certificates may be issued to the city, or may be sold to any person applying therefor. They may be assigned in writing, and the city may sell and assign any and all certificates which may be issued to it upon the payment of the value thereof in principal and accrued interest, in cash. Such certificate shall be *prima facie* evidence that the land against which the same was issued was subject to the assessment at the time the same was assessed, that the property was assessed as required by law, and that the assessment, or instalment thereof, was not paid prior to the issuance of such certificate.

Certificate of  
delinquency.

Certificates  
may be  
assigned.

No such certificate of delinquency shall be issued upon any property for any assessment or instalment thereof dur-

ing the pendency of any proceedings in court affecting such assessment or instalment thereof.

SEC. 37. *Omitted Property.*

Omitted  
property.

Whenever by mistake, inadvertence or for any cause property otherwise subject to assessment, within any assessment district, heretofore or hereafter created, shall have been omitted from the assessment roll for such improvement, the council or other legislative body of such city or town may, upon its own motion or upon the application of the owner of any property within such district charged with the lien of an assessment for such improvement, proceed to assess such omitted property for such improvement, in accordance with the special benefits accruing to such omitted property by reason of such improvement and in proportion to the assessments levied upon other property in such district.

Set forth by  
resolution.

In any such case, the council or other legislative body shall first pass a resolution setting forth that certain property therein described was omitted from such assessment, and notifying all persons who may desire to object thereto to appear at a meeting of the council or other legislative body of such city or town at a time specified in such resolution and present their objections thereto, and directing the proper board, officer or authority to report to such council at or prior to the date fixed for such hearing the amount which should be borne by each such lot, tract or parcel of land or other property so omitted, which resolution shall be published in all respects as other resolutions provided for in section 10 hereof. At the conclusion of such hearing or any adjournment thereof, the council shall consider the matter as though the property had been included upon the original roll, and may confirm the same or any portion thereof by ordinance. Thereupon such roll of omitted property shall be certified to the treasurer for collection as other assessments.

Resolution  
published.

SEC. 38. *Fees for Issuance of Certificates and Deeds.*

Fees.

The city or town treasurer shall charge for the issuance of each certificate of sale and each certificate of delinquency the sum of fifty cents; for each deed the sum of one dollar.

SEC. 39. *Lien of Purchaser.*

The purchaser at any sale authorized in this act acquires a lien on the property so bid in by him for the amount paid by him at such sale as well as for all taxes and delinquent assessments, or delinquent instalments thereof, and certificates of delinquency, and all interest, penalties, costs and charges thereon whether levied previously or subsequently to such sale, and whether for state, county, city or town purposes, subsequently paid by him on such property, and shall be entitled to interest at the rate of fifteen per cent. per annum on the original amount paid by him from the date of said sale and upon such subsequent payments from the date of the payment of the respective amounts.

Lien of purchaser.

SEC. 40. *Local Assessments to Be Included in Certificates of Delinquency for General Taxes.*

The holder of any certificate of delinquency for general taxes shall, before commencing any action to foreclose the lien of such certificate pay in full all local assessments or instalments thereof outstanding against the whole or any portion of the property included in such certificate of delinquency, or, he may elect to proceed to acquire title to such property subject to certain or all local assessments a lien thereon, in which case the complaint, decree of foreclosure, order of sale, sale, certificate of sale and deed shall so state. If such holder shall pay such local assessments, he shall be entitled to fifteen per cent. interest per annum on the amount of the delinquent assessments or delinquent instalments thereof so paid, from date of payment.

Holders of certificates proceed how.

Per cent. allowed.

In any action to foreclose any lien for general taxes upon any property a copy of the complaint shall be served on the treasurer of the city or town within which such property is situate within five days after such complaint is filed. In any case where any property shall be struck off to or bid in by the county at any sale for general taxes, and such property shall subsequently be sold by the county, the proceeds of such sale shall first be applied to discharge in full the lien or liens for general taxes for which the same was sold, and the remainder, or such portion thereof as may be

Surplus, how distributed.

necessary, shall be paid to the city to discharge all local assessment liens upon such property, and the surplus, if any, shall be distributed among the proper county funds.

SEC. 41. *Limitation of Actions.*

Limitation of actions.

An action to collect any special assessment or instalment thereof for local improvements of any kind, or to enforce the lien of any such assessment or instalment, whether such action be brought by a municipal corporation or by the holder of any certificate of delinquency, or by any other person having the right to bring such action, shall be commenced within ten years after such assessment shall have become delinquent, or within ten years after the last instalment of any such assessment shall have become delinquent when said special assessment is payable in instalments.

SEC. 42. *Reassessments Authorized.*

Re-assessments.

Enforce collection.

In all cases of special assessments for local improvements, wherein said assessments have failed to be valid in whole or in part for want of form or insufficiency, informality, or irregularity or non-conformance with the provisions of law, charter or ordinance governing such assessments in any city or town, the council of any such city or town shall have power to re-assess such assessments and to enforce their collection in accordance with the provisions of law and ordinance existing at the time the re-assessment is made. Whenever, on account of any mistake, inadvertence or other cause, the amount assessed shall not be sufficient to pay the cost and expense of the improvement made and enjoyed by the owners of property in the assessment district where the same is made, the council of such city or town is authorized and directed to make re-assessments on all the property in said assessment district to pay for such improvement; such assessment to be made in accordance with the provisions of law and ordinance existing at the time of its levy. Any city or town is hereby authorized to assess or re-assess all property which the council shall find to be specially benefited to pay the whole or any portion of the cost and expense of any local improvement which such

Re-assess for what.

city or town has heretofore made, is now making, or may hereafter make at the expense in whole or in part of property specially benefited thereby, whether or not such property so to be assessed or re-assessed abuts upon, is adjacent to, or proximate to such improvement, or was included in the original assessment district; and the right to so assess all property so found to be specially benefited shall also apply to any supplemental assessment or re-assessment which such city or town may find it necessary to make for the purpose of providing for any deficiency in any local improvement district fund caused by the invalidity of any portion of the original assessment in such improvement district, or where for any cause the amount originally assessed shall not be sufficient to pay the cost of the improvement.

Providing  
for defi-  
ciency.

Whenever any assessment for any local improvement in any city or town, whether the same be an original assessment, assessment upon omitted property, supplemental assessment or re-assessment, heretofore or hereafter made, has been or may hereafter be declared void and its enforcement [refused] by any court, or for any cause whatever has been heretofore or hereafter may be set aside, annulled or declared void by any court, either directly or by virtue of any decision of such court, the council of such city or town shall make a new assessment or reassessment upon the property which has been or will be benefited by such local improvement, based upon the actual cost of such improvement at the time of its completion.

If void or  
set aside.

#### SEC. 43. *Reassessment Ordinance.*

The city council of any city or town shall proceed with any assessment authorized in the preceding section by passing an ordinance ordering the same, and directing the preparation of an assessment roll therefor, which roll may include any property specially benefited by such improvement, whether or not the same was included in the original assessment district. Such additional property when so assessed shall become a part of the local improvement district theretofore created, or attempted to be created, to provide a fund to pay for said improvement, and all payments of as-

Re-assess-  
ment ordi-  
nance.

assessments so ordered shall be paid into and become a part of the local improvement fund provided to pay for said improvement.

Not prevent  
assessment.

The fact that the contract has been let or that such improvement shall have been made and computed in whole or in part shall not prevent such assessment from being made, nor shall the omission, failure or neglect of any officer or officers to comply with the provisions of law, the charter or ordinances governing such city or town, as to petition, notice, resolution to improve, estimate, survey, diagram, manner of letting contract or execution of work, or any other matter whatsoever connected with the improvement and the first assessment thereof, operate to invalidate or in any way affect the making of any assessment authorized in the preceding section: *Provided*, That such assessment shall be for an amount which shall not exceed the actual cost and expense of the improvement, together with the accrued interest thereon, it being the true intent and meaning of this act to make the cost and expense of local improvements payable by the property specially benefited thereby, notwithstanding the proceedings of the council, board of public works or other board, officer or authority of such city or town may be found irregular or defective, whether jurisdictional or otherwise; when such assessment is completed, all sums paid on the former attempted assessment shall be credited to the property on account of which the same were paid.

Expense  
borne by  
property  
benefited.

In any case where any property within the original local improvement district shall not be affected by any assessment authorized in the preceding section, such property need not be entered upon such assessment roll.

Notice  
given.

After the certification of any such roll to the treasurer of any such city or town for collection, the same length of time for payment of the assessments appearing thereon, without the imposition of any penalties or interest, and the notice that such assessments are in the hands of the treasurer thereof for collection, shall be given as in the case of an original assessment, and after delinquency such penalty and interest shall be charged as in cases of original assess-

ment: *Provided*, That in all cases where the original assessment for the improvement was payable in instalments, the new assessment, after delinquency, may be divided into such equal instalments and made payable at such times as the council in the ordinance ordering such new assessment, may prescribe.

SEC. 44. *Procedure in Case of Reassessment.*

All the provisions of this act relating to the filing of assessment rolls, time and place of hearing thereon, notice of such hearing, the hearing upon such roll, and the confirmation thereof, the time when such assessments shall become a lien upon the property assessed, the proceedings on appeal from any such assessment, the method of collecting such assessments and all proceedings for enforcing the lien thereof shall be had and conducted the same in the case of assessments authorized in section 42 of this act as in the case of an original assessment.

SEC. 45. *Time Within Which Re-Assessments Must Be Made.*

No city or town shall have jurisdiction to proceed with any re-assessment or supplemental assessment unless the ordinance ordering the same shall be passed by the council or other legislative body of such city or town within ten years from and after the time the original assessment for any such improvement was finally held to be invalid, insufficient or for any cause set aside, in whole or in part, held void or its enforcement denied directly or indirectly by the courts; or, in the case of supplemental assessments, from and after the time that it was finally determined that the total amount of the valid assessments levied and assessed on account of any such improvement was insufficient to pay the whole or that portion of the cost and expense thereof to be paid by special assessment.

SEC. 46. *May Issue Bonds.*

The city council or other legislative body or any city or town may, in their discretion, provide by ordinance for the payment of the whole or any portion of the cost and ex-

pense of any local improvement authorized by law, by bonds of the improvement district, which bonds shall be issued to the contractor, or be issued and sold as herein provided.

SEC. 47. *Method of Issuance of Bonds.*

Such bonds shall be issued only in pursuance of ordinances of the city or town issuing the same, and by their terms shall be made payable on or before a date not to exceed ten years from and after the date of the issue of such bonds, which latter date may be fixed by resolution, by council or other legislative body of said city or town and shall bear such interest as may be provided in such ordinance, not exceeding eight per centum per annum, which interest shall be payable annually, or semi-annually, as may be provided by ordinance, and each bond shall have attached thereto interest coupons for each interest payment. Such bonds shall be in such denominations as shall be provided in the ordinance ordering their issue and shall be numbered from one upwards, consecutively, and each bond and coupon shall be signed by the mayor and attested by the clerk or comptroller of such city: *Provided, however,* That said coupons may in lieu of being so signed have printed thereon a fac-simile of the signatures of said officers and each bond shall have the seal of such city affixed thereto and shall refer to the improvement to pay for which the same shall be issued and to the ordinance ordering the same, each bond shall provide that the principal sum therein named, and the interest thereon, shall be payable out of the local improvement fund created for the payment of the cost and expense of such improvement, and not otherwise. Such bonds shall not be issued in any amount in excess of the cost and expense of the improvement.

SEC. 48. *Sale of Bonds.*

The bonds issued under the provisions of this act or such portion of such bonds as may remain unsold if same is ordered as hereinafter provided may be issued to the contractor constructing the improvement in payment thereof, or the ordinance directing the issue of such bonds may provide that the same may be sold by some authorized officer

Ten-year  
limit.

Interest  
coupons.

Bond limit.

Sale of  
bonds.



or officers of the city, in the manner prescribed therein, at not less than their par value and accrued interest, and that the proceeds thereof shall be applied in payment of the cost and expense of the improvement.

SEC. 49. *Assessments Payable in Instalments.*

In all cases where any city or town shall issue bonds as provided in this act to pay the cost and expense of any local improvement, the said cost and expense shall be assessed against the lots, tracts, and parcels of land and other property, which under the provisions of law and the charter and ordinances of such city or town shall be liable therefor, but the ordinance levying such assessment shall provide that the sum charged thereby against each such lots, tracts, and parcels of land and other property or any portion of such sum may be paid during the thirty (30) day period provided for in section 50 of this act, and that thereafter the sum remaining unpaid may be paid in equal annual instalments; the number of which instalments shall be equal to the number of years which the bonds issued to pay for the improvement may run, with interest upon the whole unpaid sum so charged at a rate fixed by said ordinance, and each year thereafter one of such instalments together with the interest due thereon and on all instalments thereafter to become due shall be collected in the same manner as shall be provided by law and the charter and ordinances of such city for the collection of assessments for such improvements in cases where no bonds are issued. .

Assessments,  
when paid.

SEC. 50. *Notice of Collection of Assessment.*

The owner of any lot, tract or parcel of land or other property charged with any such assessments may redeem the same from all or any portion of the liability for the contract price of such improvement by paying the entire assessment or any portion thereof charged against such lot or parcel of land, without interest, within thirty days after notice to him of such assessment, which notice shall be given as follows: The city or town treasurer shall, as soon as the assessment roll has been placed in his hands for collection, publish a notice in the official newspaper of the city

Notice of  
collection.

Publish  
notice.

for ten consecutive daily or two consecutive weekly issues, that the said roll is in his hands for collection and that any assessment thereon or any portion of any such assessment may be paid at any time within thirty days from the date of the first publication of said notice without penalty, interest or costs. The bonds herein provided for shall not be issued prior to twenty days after the expiration of the thirty days above mentioned, but may be issued at any time thereafter. The owner of any such lot or parcel of land may redeem the same from all liability for the unpaid amount of said assessment at any time after said thirty days by paying the entire instalments of said assessment remaining unpaid and charged against such lot or parcel at the time of such payment, with interest thereon to the date of the maturity of the instalment next falling due. In all cases where any sum is paid as herein provided the same shall be paid to the city treasurer, or to the officer whose duty it is to collect said assessments, and all sums so paid shall be applied solely to the payment of the cost and expense of such improvements or the redemption of the bonds issued therefor.

Owner may  
redeem.

SEC. 51. *Remedy of Bondholder.*

Remedy of  
bondholder.

If the city or town shall fail, neglect or refuse to pay said bonds or to promptly collect any of such assessments when due, the owner of any such bonds may proceed in his own name to collect such assessment and foreclose the lien thereof in any court of competent jurisdiction, and shall recover in addition to the amount of such bonds and interest thereon, five per centum, together with the cost of such suit. Any number of holders of such bonds for any single improvement may join as plaintiffs and any number of owners of the property on which the same are a lien may be joined as defendants in such suit.

SEC. 52. *Remedy of Bondholder Confined to Enforcement of Assessment.*

Neither the holder nor owner of any bond issued under the authority of this act shall have any claim therefor against the city by which the same is issued, except from

the special assessment made for the improvement for which such bond was issued, but his remedy in case of non-payment, shall be confined to the enforcement of such assessments. A copy of this section shall be plainly written, printed or engraved on each bond so issued.

Limit of claim.

SEC. 53. *Exchange of Bonds, When Authorized.*

Whenever any city has heretofore issued bonds for the purpose of paying the cost and expense of local improvements, or has sold such bonds and paid such cost and expense from the proceeds thereof, such city may, with the consent of the holders of such bonds, exchange for them bonds authorized by this act.

Exchange of bonds.

SEC. 54. *Interest on Bonds, Call of Bonds.*

The city or town treasurer shall pay the interest on the bonds authorized to be issued by this act out of the respective local improvement funds from which they are payable. Whenever there shall be sufficient money in any local improvement fund against which bonds have been issued under the provisions of this act, over and above sufficient for the payment of interest on all unpaid bonds, to pay the principal of one or more bonds, the treasurer shall call in and pay such bonds: *Provided*, That such bonds shall be called in and paid in their numerical order: *Provided, further*, That such call shall be made by publication in the city or town official newspaper in its first publication following the delinquency of the installment of the assessment or as soon thereafter as is practicable, and shall state that bonds No. . . . . (giving the serial number or numbers of the bonds called) will be paid on the day the next interest coupons on said bonds shall become due, and interest on said bonds shall cease upon such date.

Treasurer make call.

SEC. 55. *Items of Cost.*

Whenever any local improvement herein authorized shall be ordered, there shall be included in the cost and expense thereof to be assessed against the property specially benefited by such improvement and included in the district created to pay the same, or any part thereof, the cost of that portion of said improvement included within the limits of

Items of cost.

any street intersection space or spaces, the estimated cost and expense of all engineering and surveying necessary for said improvement to be done by and under the direction of the city or town engineer, ascertaining the ownership of the lots or parcels of land included in the assessment district, advertising, mailing and publishing all notices required to be advertised, published or mailed, accounting and clerical labor, books and blanks expended or used by the city or town comptroller and the city or town treasurer in connection with said improvement.

Cost items.

SEC. 56. *Assess Tideland Leases as Realty.*

For the purposes of local assessment, all leases of tide lands owned in fee by the State of Washington shall be, and the same are hereby declared to be, real property.

Tideland leases.

SEC. 57. *Parkways, Parkdrives and Boulevards.*

Any city or town council upon request of the board of park commissioners, shall have authority to designate such streets as they may see fit as parkways, park drives, and boulevards, and to transfer all the care, maintenance and improvement of the surface thereof to the board of park commissioners, or to such authority of such city or town as may have the care and management of the parks, parkways, boulevards and park drives of the city.

Designate parkways and drives.

Any city or town may acquire, either by gift, purchase or the right of eminent domain, the right to limit the class, character and extent of traffic that may be carried on such parkways, park drives and boulevards, and to prescribe that the improvement of the surface thereof shall be made wholly in accordance with plans of such board of park commissioners, but that the setting over of all such streets for such purposes shall not in any wise limit the right and authority of the city council to construct underneath the surface thereof any and all public utilities nor to deprive the council of the right to levy assessments for special benefits. In the construction of any such utilities, any damages done to the surface of such parkways, park drives or boulevards shall not be borne by any park funds of such city or town.

Damages, how paid.

SEC. 58. *Assessment for Park Drives, Parkways and Boulevards.*

Whenever the management and control of the park drives, parkways and boulevards of any city or town shall be vested in a board of park commissioners or other similar authority of such city or town, the council of any such city or town may, upon request of such board or other similar authority therefor specifying the particular park drives, parkways or boulevards, or portions thereof, to be improved, and the nature of such improvement, pass an ordinance providing for the improvement thereof, which ordinance shall be based either upon a resolution or a petition as hereinabove provided. Any such city or town shall have the same power to provide for making such local improvements and to levy and collect special assessments on property benefited thereby, and for paying the same or any portion thereof as in the case of other local improvements: *Provided*, That the plans and specifications for such improvements shall, before their adoption, be submitted to and approved by such board of park commissioners, or other similar authority of such city or town.

Park commissioners.

Plans to be approved.

SEC. 59. *Work to Be Done by City or Contract.*

All local improvements, the funds for the making of which are derived in whole or in part from assessments upon property specially benefited, shall be made either by the city or town itself, or by contract upon competitive bids. The board, officer or authority charged with the duty of letting contracts for local improvements shall determine whether such local improvement shall be done by contract, or by the city itself. The city or town shall have power to reject any and all bids.

Work by city or contract.

SEC. 60. *General Ordinance.*

The council of each city and town shall pass such general ordinance or ordinances as may be necessary to carry out the provisions of this act. Thereafter all proceedings relating to local improvements shall be had and conducted in accordance with this act, and the ordinances of such city or town relating to local improvements.

General ordinance.

SEC. 61. *Validation of Local Improvement Assessments.*

Validation.

Whenever the city or town council of any city or town within this state has made, or shall hereafter make any assessment against property within any local improvement district for any purpose authorized in this act and has in making such assessment acted in good faith and without fraud or shall hereafter act in good faith and without fraud the said assessment shall be valid and enforceable as such and a lien upon the property upon which the same purports to be a lien; and it shall be no objection to the validity thereof that the contract for such improvement was not awarded in the manner or at the time required by law, nor shall it be any objection to the validity of such assessment that the same was made by an unauthorized officer or person, if the same shall have been confirmed by the city or town authorities, of such city or town, nor; shall it be any objection to the legality of such assessment that the same is based upon a front foot basis, or upon a basis of benefits to the property within such district unless it shall be made to appear that the city or town authorities did not act in good faith and did not attempt to act fairly in regard thereto, or unless it shall be made to appear that the city or town authorities acted fraudulently or oppressively in making such assessment; and all assessments heretofore or hereafter made which are made by the city or town authorities in good faith are hereby declared to be valid and in full force and effect, and to be collectible in the manner which is now or may hereafter be provided by law for the collection of assessments for the purposes specified in this section.

Must show cause.

SEC. 62. *Assessments Paid by Joint Owner.*

Joint owner.

Whenever any local assessment, or instalment thereof, shall be paid, or any certificate of sale therefor be redeemed, or any judgment therefor be paid by any joint owner of any property assessed for any local improvement, such joint owner may, after demand and refusal, by an action brought in the superior court, recover from each of his co-owners the respective amounts of such payment which each such co-owner should bear, with interest thereon at ten per

cent. per annum from the date of such payments, and costs of the action, and the joint owner making such payment shall have a lien upon the undivided interests of his co-owners in and to such property from date of such payment.

Interest rate.

SEC. 63. *City or Town May Purchase at Tax Sales.*

Whenever any property situate in any city or town shall be offered for sale for general taxes, the city or town within which such property is situate shall have power to protect the lien or liens of any local assessments outstanding against the whole or any portion of such property by purchase or otherwise.

City may purchase.

SEC. 64. *Proceedings in Case of Consolidated Cities.*

The city council of any city which is composed of two or more cities or towns which have been or may hereafter be consolidated, as provided by law, shall have power to make and pass all necessary ordinances, orders and resolutions for any assessment where the improvement has been made or was being made by any such former city or town prior the consolidation thereof, and to fully carry out and enforce the provisions of this act.

If cities consolidate.

SEC. 65. *Assessments Paid in Error.*

Whenever, through error or inadvertence, any person shall pay any local assessment, or installment thereof, upon the lands of another, such payor, may, after demand and refusal, by an action in the superior court, recover from the owner of such lands the amount so paid, and costs of the action.

Error.

SEC. 66. *Vote Required on Ordinances.*

No ordinances mentioned in this act shall be considered passed unless they shall have received the affirmative vote of at least a majority of the members of the council or other legislative body of such city or town: *Provided*, That in cities of the first class the vote required for the passage of any such ordinances shall be subject to such further limitations as may be prescribed in the charter of any such city: *Provided*, That in any city or town, other than cities of the first class, no ordinance providing for any improvement herein authorized shall be effective over the written

Vote required.

Not effective, when.

objection or objections of the owners of a majority of the lineal frontage and of the area within the limits of the proposed improvement district filed with the clerk of any such city or town prior to the final passage of such ordinance unless such ordinance shall receive the affirmative vote of at least two-thirds of all the members of the council or other legislative body of such city or town.

SEC. 67. *Act to Apply to All Cities and Towns.*

Application. The provisions of this act shall apply to all incorporated cities and towns in this state, including unclassified cities and towns operating under special charters.

SEC. 68. *Word Council Construed.*

Council construed. Whenever the words city council or town council are used in this act, they shall be construed to mean the council or other legislative body of such city or town. Whenever the word mayor is used in this act, it shall be construed to mean the presiding officer of said city or town.

SEC. 69. *Act to Be Liberally Construed.*

Construction of act. The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act, but the same shall be liberally construed for the purpose of carrying out the objects for which this act is intended.

SEC. 70. *Saving Clause.*

Saving clause. Any acts or parts of acts herein repealed, which are re-enacted in form or in substance in this act shall not be construed as new enactments but as continuations and amendments of such acts or parts of acts.

Former acts upheld. All rights of action under existing laws which this act in any way supersedes or repeals, if the same at the time of taking effect of this act shall not have been commenced, shall proceed under the provisions of this act. All actions and proceedings, which may be pending in court under existing laws which this act in any way supersedes or repeals, shall proceed without being in any manner affected by the passage of this act. All proceedings commenced by any city or town before the taking effect of this act, relating to the making of any local improvement, shall proceed without



being in any manner affected by the passage of this act, except as provided in Sec. 24 of this act.

SEC. 71. *Acts Repealed.*

This act shall supersede the provisions of the charter of any city of the first class inconsistent herewith. All acts and parts of acts enumerated in the following schedules, and all acts and parts of acts in conflict with the provisions hereof, are hereby repealed. Acts re-pealed.

SCHEDULE OF ACTS REPEALED.

Laws of Washington, 1889-1890: Sections 124 and 161 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 (section 161 of said act being designated "191" in the Session Laws.) Repealed schedule.

Laws of Washington, 1891, chapter 160.

Laws of Washington, 1893, chapters 95, 96 and section 5 of chapter 70.

Laws of Washington, 1895, chapters 114, 155.

Laws of Washington, 1897, chapters 51, 110, 111.

Laws of Washington, 1899, chapters 68, 124, 126, 146.

Laws of Washington, 1901, chapters 47, 77, 113, 118.

Laws of Washington, 1903, chapters 27, 82, 124.

Laws of Washington, 1905, chapters 120, 144, 150.

Laws of Washington, 1907, chapters 70, 71, 179, 182, and sections 38 to 51, both inclusive, of chapter 241.

Laws of Washington, 1909, chapters 26, 60, 71, 88, 191.

SCHEDULE OF SECTIONS OF REMINGTON AND BALLINGER'S  
ANNOTATED CODES AND STATUTES OF WASHINGTON  
REPEALED.

Sections 7513, 7514, 7515, 7516, 7529, 7530, 7531, 7532, 7533, 7534, 7535, 7536, 7537, 7538, 7539, 7540, 7541, 7542, 7543, 7544, 7545, 7546, 7547, 7548, 7549, 7550, 7551, 7552, 7553, 7554, 7555, 7556, 7557, 7558, 7559, 7560, 7561, 7562, 7563, 7564, 7565, 7566, 7567, [These include all acts specifically named in the fore part of this section.]

7568, 7568½, 7569, 7570, 7571, 7572, 7573, 7574, 7575, 7576, 7577, 7578, 7621, 7622, 7623, 7624, 7625, 7626, 7627, 7628, 7629, 7630, 7631, 7632, 7633, 7634, 7705, 7706, 7707, 7708, 7709, 7710, 7711, 7712, 7713, 7714, 7715, 7716, 7717, 7718, 7737, 7870, 7871, 7893, 7894, 7895, 7896, 7897, 7898, 7899, 7900, 7901, 7902, 7903, 7904, 7905, 7906, 7907, 7908, 7909, 7910, 7911, 7912, 7913, 7914, 7915, 7916, 7917, 7918, 7919, 7920, 7921, 7922, 7923, 7924, 7925, 7926, 7927, 7928, 7929, 7930, 7931, 7932, 7933, 7934, 7935, 7936, 7937, 7938, 7939, 7940, 7941, 7942, 7943, 7944, 7945, 7946, 7947, 7948, 7949, 7950, 7951, 7952, 7953, 7954, 7955, 7956, 7957, 7958, 7959, 7960, 7961, 7962, 7963, 7964, 8018, 8019, 8020, 8021, 8022, 8023, 8024, 8025, 8026, 8027, 8028.

SEC. 72. *Local Improvement Warrants Authorized.*

Every city and town shall have the power by general ordinance to provide for the issuance of warrants in payment of the cost and expense of any local improvement, such warrants to be payable out of the special fund in such local improvement district, said warrants to bear interest from date thereof at a rate at not exceeding eight per cent. (8%) per annum, and to be redeemed either in cash or in local improvement bonds authorized to be issued in the manner prescribed by general ordinance.

Passed by the House March 1, 1911.

Passed by the Senate March 7, 1911.

Approved by the Governor March 17, 1911.

Warrants  
authorized.