

not exceeding eighteen mills on the dollar of the assessed valuation.

Passed the House February 19, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor March 17, 1931.

CHAPTER 53.

[H. B. 294.]

PUBLIC UTILITIES OF MUNICIPAL CORPORATIONS.

AN ACT relating to the construction, acquisition and maintenance of sewer systems and sewage disposal plants by incorporated cities and towns, and amending Sections 1, 2 and 4 of Chapter 150 of the Laws of 1909.

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

SECTION 1. That section 1 of chapter 150 of the Laws of 1909, as amended by section 1 of chapter 173 of the Laws of 1923 (section 9488 of Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Section 1. Any incorporated city or town within the state be, and hereby is, authorized to construct, condemn and purchase, purchase, acquire, add to, maintain, conduct and operate waterworks, within or without its limits, for the purpose of furnishing such city or town and the inhabitants thereof, and any other persons, with an ample supply of water for all uses and purposes, public and private, including water power and other power derived therefrom, with full power to regulate and control the use, distribution and price thereof; to construct and maintain systems of sewage disposal plants, and systems and plants for refuse collection and disposal, with full jurisdiction and authority to manage, regulate and control the same within and without the limits of the corporation; to construct, condemn and

Amends § 1, ch. 150, Laws of 1909; § 1, ch. 173, Laws of 1923; § 9488, Rem. Comp. Stat., 1927 Sup.

Acquisition, construction, condemnation.

Water.

Sewage disposal plants.

purchase, purchase, acquire, add to, maintain and operate works, plants and facilities for the preparation and manufacture of all such stone or asphalt products or compositions or other materials which may be used in street construction or maintenance, together with the right to use the same, and also to fix the price of and to sell the same for use in the construction of municipal improvements of such city or town; to construct, acquire and operate public markets and one or more cold storage plants for the sale and preservation of butter, eggs, meats, fish, fruits, vegetables, and other perishable provisions; and to construct, condemn and purchase, purchase, acquire, add to, maintain and operate works, plants and facilities for the purpose of furnishing such city or town and the inhabitants thereof, and any other persons, with gas, electricity and other means of power and facilities for lighting, heating, fuel and power purposes, public and private, with full authority to regulate and control the use, distribution and price thereof, together with the right to handle and sell, or lease, any meters, lamps, motors, transformers and equipment or accessories of any and every kind, necessary and convenient for the use, distribution and sale thereof; to authorize the construction of such plant or plants by others for the same purpose, and to purchase such gas, electricity or power from either within or without the city or town for its own use and for the purpose of selling to its inhabitants and to other persons doing business within such city or town, and to regulate and control the use and price thereof; to construct, condemn and purchase, purchase, acquire, add to, maintain, operate or lease cable, electric and other railways within the limits of such city or town for the transportation of freight and passengers above, upon or underneath the ground, with full authority to regulate and control the use and operation there-

Stone and
asphalt.

Cold stor-
age plants.

Electricity,
gas.

Street
railways.

of, and to fix, alter, regulate and control the fares and rates to be charged thereon; and whenever such city or town shall own and operate a street railway with not less than one hundred (100) miles of main track, to purchase, acquire, add to, maintain, operate and lease automobiles, motor cars, motor busses, auto trucks, and any and all other forms or methods of transportation of freight or passengers, and, within the corporate limits of such city and in connection with its street railway system only, without the payment of any license fee or tax, or the filing of a bond with, or the securing of a permit from, the secretary of state, to engage in, carry on, and operate the business of transporting and carrying passengers and freight for hire by any method or combination of methods that the legislative authority of any such city or town may by ordinance provide, with full authority to regulate and control the use and operation of vehicles or other agencies of transportation used for such business, and to fix, alter, regulate and control the fares and rates to be charged therefor; and for the purposes aforesaid, it shall be lawful for any city or town in this state to take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake or water-course percolating or subterranean, or any underflowing water within the state, and, by means of aqueducts or pipelines, to conduct the same to said city or town; and such city or town is hereby authorized and empowered to erect and build dams or other works across or at the outlet of any lake or water-course in this state for the purpose of storing and retaining water therein up to and above high-water mark; and for all the purposes of erecting such aqueducts, pipe-lines, dams, or waterworks or other necessary structures in storing and retaining water, as above provided, or for any of the purposes provided for by this act, such city or town shall

Automobiles.

Transportation agencies, fares.

Dams.

Pipe-lines.

have the right to occupy and use the beds and shores up to the high water mark of any such watercourse or lakes, and to acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named in this act, or necessary for any of said purposes, and any such city or town shall have the right to acquire by purchase or by condemnation and purchase any lands, properties or privileges necessary to be had to protect the water supply of such city or town from pollution: *Provided*, That should private property be necessary for any such purposes or for storing water above highwater mark, such city or town may condemn and purchase, or purchase and acquire such private property: *And provided further*, That no such dam or other structure shall impede, obstruct or in any way interfere with public navigation of such lake or water-course.

Beds and shores of water-courses.

Private property.

Public navigation.

SEC. 2. That section 2 of chapter 150 of the Laws of 1909 (section 9489 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 2, ch. 150, Laws of 1909; § 9489, Rem. Comp. Stat.

Section 2. Whenever the city council or other corporate authorities of any such city or town shall deem it advisable that the city or town of which they are officers shall purchase, acquire or construct any public utility mentioned in section 1 hereof or make any additions and betterments thereto or extensions thereof, the common council or other corporate authorities shall provide therefor by ordinance, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as near as may be, and the same shall be submitted for ratification or rejection to the qualified voters of said city at the general or special election, except in the following cases where no submission shall be necessary:

Ordinance.

System adopted.

Special election.

(1) When the work proposed is an addition to, or betterment of, or extension of, or an increased

Not necessary, when.

No general indebtedness.

water supply for, existing water works, or an addition, betterment or extension of an existing system or plant of any other public utility mentioned in section 1 hereof, for which no general indebtedness is to be incurred by such city or town: *Provided*, Such undertaking shall have been authorized by the common council of such city or town prior to July first, nineteen hundred and ten; or

Authorized by charter.

(2) Where in any charter of any city or town in the State of Washington heretofore or hereafter adopted by a vote of the people, an article or provision has been adopted authorizing the city council or other corporate authorities of such city to provide by ordinance for acquiring, opening or operating any of said public utilities, for which no general indebtedness is to be incurred by such city or town; or

Public health endangered.

(3) When in the judgment of the city council, or other corporate authority of any such city or town, the public health is being endangered by the discharge of raw or untreated sewage into any river or stream in this state, and the danger to the public health may be abated by the construction and maintenance of a sewage disposal plant or plants, for which no general indebtedness shall be incurred by such city or town responsible for such contamination. If a general indebtedness is to be incurred, the amount of such indebtedness and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid and such proposition shall be adopted and assented to by three-fifths of the qualified voters of the said city or town voting at said election. If no general indebtedness is to be incurred such proposition may be adopted by a majority vote. Ten days' notice of such election shall be given in the newspaper doing the city or town printing, by publication in each issue of said paper during said time. Whenever a

General indebtedness, election.

Notice.

proposition has been adopted as aforesaid or in the cases mentioned in subdivisions first, second and third of this section where no submission shall be necessary the common council or other corporate authorities of such city or town shall have power to proceed forthwith to purchase, construct and acquire the public utility contemplated or to make additions, betterments and extensions thereto and to make payment therefor as hereinafter provided in section 3 and section 4.

SEC. 3. That section 4 of chapter 150 of the Laws of 1909 (section 9491 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 4,
ch. 150, Laws
of 1909;
§ 9491, Rem.
Comp. Stat.

Section 4. Whenever the qualified voters of any such city or town, or the corporate authorities thereof, shall have heretofore adopted or shall hereafter adopt a proposition for any public utility as heretofore provided and either no general indebtedness shall have been authorized or the common council or other corporate authorities shall not desire to incur a general indebtedness, and whenever the common council or other corporate authorities of any such city or town shall be authorized to exercise any of the powers conferred by section 1 hereof without submitting any proposition as provided in subdivisions first, second and third of section 2 hereof, the common council or other corporate authorities shall have power to create a special fund or funds for the sole purpose of defraying the cost of such public utility or addition, betterment or extension thereto, into which special fund or funds the common council or other corporate authorities of such city or town may obligate and bind the city or town to set aside and pay a fixed proportion of the gross revenues of such public utility, or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount without regard to any fixed proportion, and to issue and sell bonds

No general
indebtedness.

Special
funds.

Gross reve-
nues set
aside.

Bonds.

Warrants. or warrants bearing interest not exceeding six per centum per annum, payable semi-annually, executed

Interest rate. in such manner and payable at such times and places as the common council or other corporate authorities of such city or town shall determine, but such bonds or warrants and the interest thereon shall be payable only out of such special fund or funds. Whenever the common council or corporate authorities shall

Sewage disposal plants. deem it necessary to construct any sewage disposal plant or plants as provided in subdivision (3) of section 2 of this act, such plant or plants may be considered as a part of and belonging to the water works department of such city or town, and the cost of construction and maintenance thereof may be chargeable to the water fund of such city or town, or to any other special fund which said common council, or other corporate authorities, may by ordinance designate. In creating any such special fund or funds the common council or other corporate authorities of such city or town shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants, or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged.

Cost of operation. Any such bonds or warrants and interest thereon issued against any such fund as herein provided shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such city or town within the meaning of the constitutional provisions and limitations. Each such bond or war-

Claim of holder of bonds and warrants.

rant shall state upon its face that it is payable from a special fund, naming the said fund and the ordinance creating it. Said bonds and warrants shall be sold in such manner as the corporate authorities shall deem for the best interests of the city or town, and the corporate authorities may provide in any contract for the construction and acquirement of the proposed improvement that payment therefor shall be made only in such bonds and warrants at par value thereof.

Statement
on bonds,
warrants.

Sale of
bonds,
warrants.

When any such special fund shall have been heretofore or shall be hereafter created and any such obligation shall have been heretofore or shall hereafter be issued against the same, a fixed proportion, or a fixed amount out of and not exceeding such fixed proportion, or a fixed amount without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the ordinance creating such fund, and in case any city or town shall fail to thus set aside and pay said fixed proportion or amount as aforesaid, the holder of any bond or warrant against such special fund may bring suit or action against the city or town and compel such setting aside and payment.

Actions to
require reve-
nues to be
set aside.

Passed the House February 28, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor March 18, 1931.