

CHAPTER 140.

[H. B. 168.]

SEWER DISTRICTS.

AN ACT relating to sewer districts; providing for the reorganization of existing sewer districts; and amending sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 17, 18, 34, 41, 42 and 47, chapter 210, Laws of 1941 (sections 9425-10, -11, -12, -13, -15, -16, -17, -18, -19, -20, -26, -27, -43, -50, -51, and -56, Remington's Revised Statutes, also Pierce's Perpetual Code 913-1 to -4, -6 to -11, -17, -18, -34, -41, -42, -47); and amending sections 1 and 2, chapter 74, Laws of 1943 (sections 9425-10 and -20, Remington's Revised Statutes, also Pierce's Perpetual Code 913-1, -3).

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

SECTION 1. Section 1, chapter 210, Laws of 1941, as amended by section 1, chapter 74, Laws of 1943 (section 9425-10, Remington's Revised Statutes, also Pierce's Perpetual Code 913-1), is amended to read as follows:

Amend-
ment.

Section 1. Sewer districts for the acquirement, construction, maintenance, operation, development, reorganization, and regulation of a system of sewers, including treatment and disposal plants and all necessary appurtenances and providing for additions and betterments thereto, are hereby authorized to be established or reorganized in the various counties of this state. Such districts may include within their boundaries portions or all of one or more incorporated cities or towns or other political sub-divisions: *Provided, however,* No portion or all of any incorporated city or town may be included without the consent by resolution of the city or town legislative authority: *Provided, however,* That such reorganization of any existing sewer district shall not affect the outstanding bonds, warrants or other indebtedness incurred by such district prior to its reorganization.

Reorganiza-
tion of
sewer
districts.

SEC. 2. Section 2, chapter 210, Laws of 1941 (section 9425-11, Remington's Revised Statutes, also

Amend-
ments.

Pierce's Perpetual Code 913-3), is amended to read as follows:

Procedure for formation or reorganization.

Section 2. For the purpose of formation or reorganization of such sewer districts, a petition shall be presented to the Board of County Commissioners of the county in which said proposed sewer district is located, which petition shall set forth the object for the creation or reorganization of the said district, shall designate the boundaries thereof and set forth the further fact that the establishment or reorganization of said district will be conducive to the public health, convenience and welfare and will be of benefit to the property included therein. Said petition shall be signed by at least twenty-five per cent (25%) of the qualified electors residing within the district described in the said petition: *Provided*, If in the opinion of the County Health Officer the existing sewerage disposal facilities are inadequate in the district to be created only, and it is for the public welfare, then the Board of County Commissioners of such county may declare a Sewerage Disposal District a necessity, and such district shall be organized under the provisions of chapter 210, Laws of 1941, and all amendments thereto. The said petition or resolution shall be filed with the County Auditor, who shall, within ten (10) days examine the signatures thereof and certify to the sufficiency or insufficiency. For such purpose the County Auditor shall have access to all registration books in the possession of the officers of any political subdivision in such proposed district. No person having signed such a petition shall be allowed to withdraw his name therefrom after the filing of the same with the County Auditor. If such petition shall be found to contain a sufficient number of signatures, the County Auditor shall transmit the same, together with his certificate of sufficiency attached thereto to the Board of County Commissioners. If such petition or resolution is certified to contain a suffi-

cient number of signatures, or if in the opinion of the County Health Officer the existing sewerage disposal facilities are a menace to the health and convenience of the public, the Board of County Commissioners may, by resolution, and not otherwise, declare a sewerage district a necessity, then at a regular or special meeting of the Board of County Commissioners of such county, the said County Commissioners shall cause to be published for at least once a week for two (2) successive weeks in some newspaper printed and published in said county, and in case no such newspaper be printed or published in such county, then at least once a week for two (2) successive weeks in some newspaper of general circulation therein, giving notice that such a petition has been presented, stating the time of the meeting at which the same shall be presented, and setting forth the boundaries of said proposed district.

SEC. 3. Section 3, chapter 210, Laws of 1941 (section 9425-12, Remington's Revised Statutes, also Pierce's Perpetual Code 913-5), is amended to read as follows:

Amendment.

Section 3. When such a petition or resolution is presented for hearing, the Board of County Commissioners shall hear the same or may adjourn said hearing from time to time not exceeding one (1) month in all. Any person, firm or corporation may appear before the said Board of County Commissioners and make objections to the establishment or reorganization of the said district or the proposed boundary lines thereof. Upon a final hearing said Board of County Commissioners shall make such changes in the proposed or reorganized boundary lines as they deem to be proper and shall establish and define such boundaries and shall find whether the proposed sewer district will be conducive to the public health, welfare and convenience and be of special benefit to the land included within the said

Procedure for formation or reorganization.

boundaries of said proposed district so established by the said Board of County Commissioners. No lands which will not, in the judgment of said Board, be benefited by inclusion therein, shall be included within the boundaries of said district as so established and defined, and no change shall be made by the said Board of County Commissioners in said boundary lines to include any territory outside of the boundaries described in the said petition, except that the boundaries of any proposed district may be extended by the Board of County Commissioners at such hearing to include other lands in said county upon a petition signed by the owners of all of the land within the proposed extension.

Amend-
ment.

SEC. 4. Section 4, chapter 210, Laws of 1941 (section 9425-13, Remington's Revised Statutes, also Pierce's Perpetual Code 913-7), is amended to read as follows:

Election.

Section 4. Upon entry of the findings of the final hearing of the said petition by the said County Commissioners of such county, if they find said proposed sewer system will be conducive to the public health, welfare and convenience and be of special benefit to the land included within the boundaries of the said proposed or reorganized district, they shall by resolution call a special election to be held not less than thirty (30) days and not more than sixty (60) days from the date of such resolution, and shall cause to be published a notice of such election at least once a week for four (4) successive weeks in a newspaper of general circulation in the county in which said proposed or reorganized sewer district is located, which notice shall set forth the hours during which such polls will be open, boundaries of the proposed or reorganized sewer district as finally adopted by the said County Commissioners and the object of such election, and the said notice shall also be posted for ten (10) days in ten (10) public places in said proposed or reorganized sewer

district. In submitting the said proposition to the voters for their approval or rejection, such proposition shall be expressed on the ballots in the following terms:

- Sewer DistrictYes Election.
- Sewer DistrictNo

or in the reorganization of a district, such proposition shall be expressed on the ballot in the following terms:

- Sewer District Reorganization.....Yes
- Sewer District Reorganization.....No

giving in each instance the name of such district as may be or may have been decided by the Board of County Commissioners. There shall not be less than one (1) polling place in each precinct in such district.

SEC. 5. Section 6, chapter 210, Laws of 1941 (section 9425-15, Remington's Revised Statutes, also Pierce's Perpetual Code 913-11), is amended to read as follows: Amendment.

Section 6. If at such election a majority of the voters in each district voting upon such proposition shall vote in favor of the formation or reorganization of such district and/or districts, the County Election Board shall so declare in its canvass of the returns of such election, and such sewer district shall then be and become a municipal corporation of the State of Washington and the name of such sewer district shall be "..... Sewer District" (inserting the name appearing on the ballot). Election.

SEC. 6. Section 7, chapter 210, Laws of 1941 (section 9425-16, Remington's Revised Statutes, also Pierce's Perpetual Code 913-13), is amended to read as follows: Amendment.

Section 7. At the same election at which the proposition is submitted to the voters as to whether the sewer district shall be formed or reorganized, three (3) sewer commissioners shall be elected to

Sewer
commiss-
sioners.

hold office respectively for the terms of two (2), four (4) and six (6) years. Until their respective successors are elected and qualified, the term for each nominee for Sewer Commissioner shall be expressed on the ballot. Thereafter in Class "A" and first class counties, as provided by chapter 53 of the Laws of 1923, as amended (sections 5143, 5144, 5147 and 5148 of Remington's Revised Statutes), there shall be held every two years, an election for a Sewer Commissioner to hold office for a period of six (6) years and until a successor is elected and qualified. And thereafter, in all counties other than Class "A" and first-class as provided by chapter 279, Laws of 1927, as amended (sections 5150 and 5152 of Remington's Revised Statutes), there shall be held every two (2) years an election for a Sewer Commissioner to hold office for six (6) years and until his successor is elected and qualified.

Amend-
ment.

SEC. 7. Section 8, chapter 210, Laws of 1941 (section 9425-17, Remington's Revised Statutes, also Pierce's Perpetual Code 913-15), is amended to read as follows:

Contents of
petition.

Section 8. Nominations for Sewer Commissioners shall be by petition of at least ten per cent (10%) of the qualified electors of such proposed or reorganized sewer district, who shall be qualified electors. Such petition shall be filed in the County Auditor's office of the county in which such district is located at least thirty (30) days prior to such election, provided that in the event of a vacancy caused by death, resignation or otherwise, such vacancy shall be filled by appointment by a majority vote of the remaining Board of Sewer Commissioners until the next regular election for Sewer Commissioners. Said County Election Board shall designate in the notice of election whether such election be a general or special election, the time of opening and closing of polls, and the place of voting, but in no event shall there be less than one (1)

voting place in each precinct in the sewer district. The polls shall be open at every election held by said sewer district at least from one o'clock p. m. to eight o'clock p. m., but the polls may be kept open for a longer period of time if so ordered. The time of opening and closing the polls must be stated in the notice of election and the polls shall be opened and closed in accordance with such notice. Any person residing in said sewer district who is at the time of holding of any election a qualified voter, shall be entitled to vote at any election held in such sewer district.

All expense of elections for the formation or reorganization of such sewer districts shall be paid by the county in which said election is held and such expenditure is hereby declared to be for a county purpose, and the money paid out for such purpose shall be repaid to such county by the sewer district if formed, or reorganized.

Expense
paid by
county.

SEC. 8. Section 9, chapter 210, Laws of 1941 (section 9425-18, Remington's Revised Statutes, also Pierce's Perpetual Code 913-17), is amended to read as follows:

Amend-
ment.

Section 9. When the said sewer district shall be created as hereinbefore provided for, the officers of such district shall be a Board of Sewer Commissioners consisting of three (3) members elected as provided in section 6 of this amendment, and said Board of Sewer Commissioners shall annually elect one (1) of their number as President and another of their number as Secretary of said Board. All Sewer Commissioners shall serve without compensation, except that the Secretary of the said Board of Sewer Commissioners may be paid a reasonable sum for the clerical services performed by him. The Board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in

Board of
sewer
commis-
sioners.

a book or books kept for such purpose, which shall be public records.

Amend-
ments.

SEC. 9. Section 10, chapter 210, Laws of 1941 (section 9425-19, Remington's Revised Statutes, also Pierce's Perpetual Code 913-19), is amended to read as follows:

Section 10. All sewer districts organized or reorganized under the provisions of this act shall be and are hereby authorized to acquire by purchase and condemnation, all lands, property rights, water, water rights, leases or easements, both within and without the boundaries of the district, necessary for the purposes of the sewer district, and to exercise the right of eminent domain in the acquirement or damaging of all land, property rights, water, water rights, leases and easements, both within and without the boundaries of the district, necessary in carrying out the purposes for which said district shall have been created, or reorganized. Such right of eminent domain shall be exercised in the same manner and by the same procedure as is or may be provided by law for cities of the third class, except in so far as such law may be inconsistent with the provisions of this act, and except that all assessment or reassessment rolls provided by law to be prepared and filed by Eminent Domain Commissioners or commissioners appointed by the Court shall be prepared and filed by the sewer district, and the duties devolving upon the City Treasurer under said law be imposed upon the County Treasurer for the purposes of this act; to construct, condemn and purchase, purchase, acquire, add to, maintain and supply systems of sewers for the purpose of furnishing such sewer district and inhabitants thereof with an adequate system of sewers for all uses and purposes public and private, including the drainage of public highways, streets and roads with full authority to regulate and control the use and operation thereof and the service rates to be charged. And

Power of
eminent
domain.

for the purposes aforesaid, it shall be lawful for any sewer district so organized or reorganized in this state to conduct sewage throughout such sewer district and throughout other political sub-division[s] within such district and to construct and lay sewer pipe along and upon public highways, roads and streets within and without such district and to condemn and purchase or acquire lands and rights of way necessary for such sewer pipe. Such sewer district is hereby authorized and empowered to erect and build sewage treatment plants either within or without the boundaries of such district, and any such sewer district shall have the right to acquire by purchase or condemnation, properties or privileges necessary to be had to protect any and all lakes, rivers or other water courses and also other areas of land from pollution either from its sewers or its sewage treatment plant or plants, and to compel all property owners within the area served by such system of sewers to connect their private drain and sewer systems with such system of sewers of the sewer district.

Power of eminent domain.

SEC. 10. Section 11, chapter 210, Laws of 1941, as amended by section 2, chapter 74, Laws of 1943 (section 9425-20, Remington's Revised Statutes, also Pierce's Perpetual Code 913-21), is amended to read as follows:

Amendments.

Section 11. It shall be the duty of the Sewer Commissioners of every sewer district before creating any improvements hereunder or submitting to vote any plan for incurring any indebtedness to consider and determine upon and adopt the comprehensive scheme or plan for a system of sewers for such district for the purposes authorized in this act. For such purposes the Sewer Commissioners shall investigate the several portions and sections of such sewer district in regard to a system of sewers; shall examine and investigate, determine and select a scheme or plan for a system of sewers for such district suitable

Duties of commissioners.

and adequate for present and future needs thereof; shall consider and determine a general system or plan for creating such system of sewers and the rates and assessments necessary therefor; to provide for the collection and disposal of sewage and industrial and other liquid wastes produced within the district; to include provision for the drainage of public highways, streets and roads as part of such comprehensive scheme or plan; to provide for the construction of all appurtenances thereto, including laterals, trunk sewers, intercepting sewers, syphons, pumping stations, treatment plants and other methods of disposal of sewage; to maintain, operate and repair same and do all other things necessary in connection therewith; to provide the method of distributing the cost and expense of the creation or reorganization and operation thereof against such sewer district and against utility local improvement districts within such sewer district for any purpose authorized in this act; and including any such utility local improvement district lying wholly or partially within the limits of any other political sub-division included in such sewer district; and to determine the whole or such part of the cost and expenses to be paid from sewer revenue bonds as in this act provided. The Commissioners may employ such engineering and legal services as in their discretion is necessary in carrying out the objects and purposes of this act.

Plan of
commis-
sioners.

Such general comprehensive scheme and plan, when finally determined upon by such Board of Sewer Commissioners, shall be by them adopted by resolution, and submitted to the County Engineer or other engineer designated by the County Commissioners of the county in which the sewer district is located and to the Director of Health, and said comprehensive scheme or plan must be approved in writing by such Engineer and the Director of Health before being submitted at a general or special election as hereinafter provided.

In the event the sewer district includes portions or all of one or more incorporated cities or towns, such comprehensive scheme or plan shall be submitted also to, and approved by resolution of, the legislative authority of such cities and towns before being submitted at a general or special election as hereinafter provided: *Provided*, That this and the next five (5) sections (sections 12, 14, 15, and 16, chapter 210, Laws of 1941, and section 13, as amended by section 3, chapter 74, Laws of 1943), do not apply to reorganized districts as intended by this amendment except as specifically referred to in this section.

SEC. 11. Section 17, chapter 210, Laws of 1941 (section 9425-26, Remington's Revised Statutes, also Pierce's Perpetual Code 913-31), is amended to read as follows:

Amendments.

Section 17. In the same manner as herein provided for the adoption and ratification of the original comprehensive scheme, and after the adoption of the original comprehensive scheme, a plan providing for additions and betterments to the original comprehensive scheme, or reorganized district, may be adopted and ratified. The sewer district may incur a general indebtedness for the construction of the additions and betterments in the same way the general indebtedness may be incurred for the construction of the original comprehensive scheme after submission to the voters of the entire district in the manner the original proposition to incur indebtedness may be submitted. Upon ratification the additions and betterments may be carried out by the Sewer Commissioners to the extent specified in the proposition to incur such general indebtedness. The sewer district may issue revenue bonds to pay for the construction of the additions and betterments in the same way revenue bonds may be issued for payment of the construction of the original comprehensive plan or any portion thereof.

Duties of commissioners.

Amend-
ments.

SEC. 12. Section 18, chapter 210, Laws of 1941 (section 9425-27, Remington's Revised Statutes, also Pierce's Perpetual Code 913-33), is amended to read as follows:

Issuance of
bonds.

Section 18. Whenever the qualified voters of any such sewer district shall hereafter adopt a proposition for a sewer system as herein provided, or any additions and betterments thereto, or whenever the qualified voters of any reorganized sewer district shall hereafter adopt a proposition for any additions or betterments thereto, and shall hereafter authorize a general indebtedness for all the said proposition, or any part thereof, or any additions and betterments thereto or for refunding in whole or in part bonds theretofore issued, general sewer bonds for the payment thereof may be issued as hereinafter provided. The said bonds shall be serial in form and maturity and numbered from one up consecutively. The said bonds shall bear interest not to exceed six per cent (6%) per annum, payable semi-annually from date of said bonds until principal thereof is paid, with interest coupons, evidencing such interest to maturity, attached. The various annual maturities shall commence with the second year after the date of issue of said bonds, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds be met by an equal annual tax levy for the payment of said bonds and interest: *Provided*, That only the bond numbered one (1) of any issue shall be of a denomination other than a multiple of one hundred dollars (\$100).

Bonds issued under this act shall never be issued to run for a longer period than thirty (30) years from the date of the issue and shall as near as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the issue of the bonds.

The bonds shall be signed by the presiding officer of the Board of the Sewer Commissioners and shall

be attested by the Secretary of the said Board under the seal of the sewer district, and the interest coupons shall be signed by the fac simile signature of the presiding officer of the Board of Sewer Commissioners and shall be attested by the fac simile signature of the Secretary of the Board of Sewer Commissioners.

Issuance of
bonds.

There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy sufficient to meet the annual or semi-annual payments of principal and interest on the said bonds maturing as herein provided upon all taxable property within such sewer district.

Said bonds shall be sold in such manner as the Sewer Commissioners shall deem for the best interest of the sewer district, and at a price not less than par and accrued interest.

SEC. 13. Section 34, chapter 210, Laws of 1941 (section 9425-43, Remington's Revised Statutes, also Pierce's Perpetual Code 913-65), is amended to read as follows:

Amend-
ments.

Section 34. The territory adjoining or in close proximity to and in the same county with any sewer district, after its organization, or reorganization under this amendment, may be annexed to and become a part of such sewer district. Such territory may either comprise or include that of one or more other sewer districts. Such annexation shall be effected in the following manner: Twenty-five per cent (25%) of the legal electors residing within the territory proposed to be annexed may petition the said Sewer Commissioners of such sewer district and cause the question to be submitted to the legal electors of the territory proposed to be annexed, whether such territory will be annexed and become a part of such adjoining sewer district.

Annexation
of additional
territory.

SEC. 14. Section 41, chapter 210, Laws of 1941

Amend-
ments.

(section 9425-50, Remington's Revised Statutes, also Pierce's Perpetual Code 913-79), is amended to read as follows:

Taxes.

Section 41. On or before the first day of October each year, the Board of Sewer Commissioners of each sewer district shall make and file with the Board of County Commissioners of the county containing such district, a statement and estimate in writing of the amount required for maintenance of the sewer system of said district for the ensuing fiscal year, and the Board of County Commissioners, shall, on or before the first day of November next ensuing, levy an assessment for the amount of said estimate, or such amount as it shall deem advisable, upon the property within the district, chargeable therewith in the same proportion as the assessment to pay the original cost of construction of said drainage system was levied. Said taxes when so levied shall be certified to the proper county official for the collection of the same as other general taxes. When such money is collected it shall be placed in a separate fund and paid out on warrants of the County Auditor of the county in which the sewer district is situated and authorized by the Board of Sewer Commissioners for the purposes specified in this act.

Amend-
ment.

SEC. 15. Section 42, chapter 210, Laws of 1941 (section 9425-51, Remington's Revised Statutes, also Pierce's Perpetual Code 913-81), is amended to read as follows:

Limit of
indebtedness.

Section 42. Each and every sewer district hereafter to be organized pursuant to this act, or reorganized under this amendment, may contract indebtedness pursuant to the provisions of section 18 hereof, but not exceeding in amount, together with existing indebtedness five per centum (5%) of the value of the taxable property in said district, to be ascertained by the last assessment for state and county purposes, whenever three-fifths ($\frac{3}{5}$) of the voters

voting at said election in such sewer district assent thereto, at an election to be held in said sewer district in the manner provided by this act, which election may either be a special or a general election, and the board of Sewer Commissioners are hereby authorized and empowered to submit the question of incurring such indebtedness, and issuing negotiable bonds of such sewer district to the qualified voters of such sewer district at any time they may so order. All bonds so to be issued shall be subject to the provisions regarding bonds as set out in section 18 of this act.

SEC. 16. Section 47, chapter 210, Laws of 1941 (section 9425-56, Remington's Revised Statutes, also Pierce's Perpetual Code 913-91), is amended to read as follows: Amendment.

Section 47. Any sewer district organized, or re-organized, under this act may be disincorporated in the same manner (in so far as the same is applicable) as is provided in sections 8914 to 8931, inclusive, of Remington's Revised Statutes, also Pierce's Perpetual Code 395-1 to -35, for the disincorporation of the third and fourth class cities, except that the petition for disincorporation shall be signed by not less than twenty-five per cent (25%) of the voters in the sewer district. Disincorporation.

Passed the House February 26, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.