

CHAPTER 182.

[S. B. 242.]

AERONAUTICS—ESTABLISHMENT OF AIRPORTS.

AN ACT relating to aeronautics; defining terms; providing for the acquisition, establishment, construction, enlargement, improvement, maintenance, equipment, operation and regulation of airports, other air navigation facilities and airport protection privileges by municipalities and providing the right of condemnation for such purposes; declaring the ownership and operation of airports, other air navigation facilities and airport protection privileges to be for public, governmental and municipal purposes; providing for the issuance of bonds and for the levying of taxes for airport purposes; validating prior bond issues, indebtedness and contracts; granting specific powers; permitting the acceptance of federal aid; authorizing joint action by municipalities and by municipalities and the state; providing for the appointment of joint boards or commissions, and granting to municipalities or municipalities and the state, acting jointly, the powers granted a single municipality; providing for assistance to other municipalities, and to make uniform the law with reference to public airports, and providing for the establishment of county airport districts.

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

SECTION 1. *Definitions.*

Definitions.

Subdivision 1. For the purpose of this act, unless herein specifically otherwise provided, the definitions of words, terms and phrases appearing in the State Aeronautic Department Act of this state are hereby adopted.

Subd. 2. As used in this act, unless the context otherwise requires: "Municipality" means any county, city, town, or port district of this state; "Airport purposes" means and includes airport, restricted landing area and other air navigation facility purposes. Municipality.

SEC. 2. *Municipalities May Acquire Airports.*

Subdivision 1. Every municipality is hereby authorized, through its governing body, to acquire

Municipalities may acquire airports.

property, real or personal, for the purpose of establishing, constructing, and enlarging airports and other air navigation facilities and to acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate such airports and other air navigation facilities and structures and other property incidental to their operation, either within or without the territorial limits of such municipality and within or without this state; to make, prior to any such acquisition, investigations, surveys, and plans; to construct, install and maintain airport facilities for the servicing of aircraft and for the comfort and accommodation of air travelers; and to purchase and sell equipment and supplies as an incident to the operation of its airport properties. It may not, however, acquire or take over any airport or other air navigation facility owned or controlled by any other municipality of the state without the consent of such municipality. It may use for airport purposes any available property that is now or may at any time hereafter be owned or controlled by it. Such air navigation facilities as are established on airports shall be supplementary to and coordinated in design and operation with those established and operated by the Federal and state governments.

Purchase.

Subd. 2. Property needed by a municipality for an airport or restricted landing area, or for the enlargement of either, or for other airport purposes, may be acquired by purchase, gift, devise, lease or other means if such municipality is able to agree with the owners of said property on the terms of such acquisition, and otherwise by condemnation in the manner provided by the law under which such municipality is authorized to acquire like property for public purposes, full power to exercise the right of eminent domain for such purposes being hereby granted every municipality both within and without its territorial limits. If but one municipality is involved and the charter of such municipality pre-

Gift.

Condemnation.

scribes a method of acquiring property by condemnation, proceedings shall be had pursuant to the provisions of such charter and may be followed as to property within or without its territorial limits. Any title to real property so acquired shall be in fee simple, absolute and unqualified in any way. The fact that the property needed has been acquired by the owner under power of eminent domain, shall not prevent its acquisition by the municipality by the exercise of the right of eminent domain herein conferred.

Acquired
in fee
simple.

Subd. 3. Where necessary, in order to provide unobstructed air space for the landing and taking off of aircraft utilizing airports or restricted landing areas acquired or operated under the provisions of this act, every municipality is authorized to acquire, in the same manner as is provided for the acquisition of property for airport purposes, easements through or other interests in air spaces over land or water, interests in airport hazards outside the boundaries of the airports or restricted landing areas and such other airport protection privileges as are necessary to insure safe approaches to the landing areas of said airports or restricted landing areas and the safe and efficient operation thereof. It is also hereby authorized to acquire, in the same manner, the right or easement, for a term of years or perpetually, to place or maintain suitable marks for the daytime marking and suitable lights for the nighttime marking of airport hazards, including the right of ingress and egress to or from such airport hazards, for the purpose of maintaining and repairing such lights and marks. This authority shall not be so construed as to limit any right, power or authority to zone property adjacent to airports and restricted landing areas under the provisions of any law of this state.

Easements.

Marking
lights.

Subd. 4. It shall be unlawful for anyone to build, rebuild, create, or cause to be built, rebuilt, or created any object, or plant, cause to be planted or per-

Encroach-
ments.

mit to grow higher any tree or trees or other vegetation, which shall encroach upon any airport protection privileges acquired pursuant to the provisions of this section. Any such encroachment is declared to be a public nuisance and may be abated in the manner prescribed by law for the abatement of public nuisances, or the municipality in charge of the airport or restricted landing area for which airport protection privileges have been acquired as in this section provided may go upon the land of others and remove any such encroachment without being liable for damages in so doing.

Airports a
public
purpose.

SEC. 3. *Airports a Public Purpose.* The acquisition of any lands for the purpose of establishing airports or other air navigation facilities; the acquisition of airport protection privileges; the acquisition, establishment, construction, enlargement, improvement, maintenance, equipment and operation of airports and other air navigation facilities, and the exercise of any other powers herein granted to municipalities, are hereby declared to be public, governmental, county and municipal functions, exercised for a public purpose, and matters of public necessity, and such lands and other property, easements and privileges acquired and used by such municipalities in the manner and for the purposes enumerated in this act shall and are hereby declared to be acquired and used for public, governmental, county and municipal purposes and as a matter of public necessity.

Prior
acquisitions
validated.

SEC. 4. *Prior Acquisition of Airport Property Validated.* Any acquisition of property within or without the limits of any municipality for airports and other air navigation facilities, or of airport protection privileges, heretofore made by any such municipality in any manner, together with the conveyance and acceptance thereof, is hereby legalized and made valid and effective.

SEC. 5. *Purchase Price and Costs of Improve-*

ment May Be Paid From Appropriations or Bond Issues. The cost of investigating, surveying, planning, acquiring, establishing, constructing, enlarging or improving or equipping airports and other air navigation facilities, and the sites therefor, including structures and other property incidental to their operation, in accordance with the provisions of this act may be paid for by appropriation of monies available therefor, or wholly or partly from the proceeds of bonds of the municipality, as the governing body of the municipality shall determine. The word "cost" includes awards in condemnation proceedings and rentals where an acquisition is by lease.

Costs, how paid.

SEC. 6. Any bonds to be issued by any municipality pursuant to the provisions of this act shall be authorized and issued in the manner and within the limitation prescribed by the constitution and laws of this state or the charter of the municipality for the issuance and authorization of bonds thereof for public purposes generally, secured by the revenues of the airport, a mortgage on facilities, or a general tax levy as allowed by law, provided the plan and system resolution be approved by the Director of Aeronautics or the Department of Municipal Corporations.

Bonds.

SEC. 7. *Appropriation and Expenditure of Monies.*

Appropriations of monies.

Subdivision 1. The governing bodies having power to appropriate monies within the municipalities in this state acquiring, establishing, constructing, enlarging, improving, maintaining, equipping or operating airports and other air navigation facilities under the provisions of this act, are hereby authorized to appropriate and cause to be raised by taxation or otherwise in such municipalities, monies sufficient to carry out therein the provisions of this act.

Subd. 2. The revenues obtained from the ownership, control and operation of any such airport or

Revenues.

other air navigation facility shall be used, first, to finance the maintenance and operating expenses thereof, and, second, to make payments of interest on and current principal requirements of any outstanding bonds or certificates issued for the acquisition or improvement thereof, and to make payment of interest on any mortgage heretofore made. Revenues in excess of the foregoing requirements may be applied to finance the extension or improvement of the airport or other air navigation facilities.

Powers of municipalities.

SEC. 8. *Specific Powers of Municipalities Operating Airports.*

Subdivision 1. In addition to the general powers in this act conferred, and without limitation thereof, a municipality which has established or may hereafter establish airports, restricted landing areas or other air navigation facilities, or which has acquired or set apart or may hereafter acquire or set apart real property for such purpose or purposes is hereby authorized.

Subd. 2. To vest authority for the construction, enlargement, improvement, maintenance, equipment, operation and regulation thereof in an officer, a board or body of such municipality by ordinance or resolution which shall prescribe the powers and duties of such officer, board or body. The expense of such construction, enlargement, improvement, maintenance, equipment, operation and regulation shall be a responsibility of the municipality.

Subd. 3. To adopt and amend all needful rules, regulations and ordinances for the management, government and use of any properties under its control, whether within or without the territorial limits of the municipality; to appoint airport guards or police, with full police powers; to fix by ordinance or resolution, as may be appropriate, penalties for the violation of said rules, regulations and ordinances, and enforce said penalties in the same manner in which penalties prescribed by other rules, regulations and

ordinances of the municipality are enforced. For the purposes of such management and government and direction of public-use, such part of all highways, roads, streets, avenues, boulevards, and territory as adjoins the limits of any airport or restricted landing area acquired or maintained under the provisions of this act shall be under like control and management of the municipality. It may also adopt and enact rules, regulations and ordinances designed to safeguard the public upon or beyond the limits of private airports or landing strips within such municipality or its police jurisdiction against the perils and hazards of instrumentalities used in aerial navigation. Rules, regulations and ordinances shall be published as provided by general law or the charter of the municipality for the publication of similar rules, regulations, and ordinances. They must conform to and be consistent with the laws of this state and the rules and regulations of the aeronautics commission of the state and shall be kept in conformity, as nearly as may be, with the then current Federal legislation governing aeronautics and the regulations duly promulgated thereunder and the rules and standards issued from time to time pursuant thereto.

Rules and regulations.

Subd. 4. Municipalities operating airports may create a special airport fund, and provide that all receipts from the operation of such airports be deposited in such fund, which fund shall remain intact from year to year and may be pledged to the payment of aviation bonds, or kept for future maintenance, construction or operation of airports or airport facilities.

Airport fund.

Subd. 5. To lease such airports or other air navigation facilities, or real property acquired or set apart for airport purposes, to private parties, any municipal or state government or the national government, or any department of either thereof, for operation; to lease or assign to private parties, any municipal or state government or the national gov-

Leases.

ernment, or any department of either thereof, for operation or use consistent with the purposes of this act, space, area, improvements, or equipment of such airports; to sell any part of such airports, other air navigation facilities or real property to any municipal or state government, or to the United States or any department or instrumentality thereof, for aeronautical purposes or purposes incidental thereto, and to confer the privileges of concessions of supplying upon its airports goods, commodities, things, services and facilities: *Provided*, That in each case in so doing the public is not deprived of its rightful, equal, and uniform use thereof.

Sale or lease.

Subd. 6. (1) To sell or lease any property, real or personal, acquired for airport purposes and belonging to the municipality, which, in the judgment of its governing body, may not be required for aeronautic purposes, in accordance with the laws of this state, or the provisions of the charter of the municipality, governing the sale or leasing of similar municipally owned property.

Proceeds of sale.

(2) The proceeds of sale of any property the purchase price of which was obtained by the sale of bonds shall be deposited in the sinking fund from which funds have been authorized to be taken to finance such bonds. In the event all the proceeds of such sale are not needed to pay the principal of said bonds remaining unpaid, the remainder shall be paid into the airport fund of the municipality. The proceeds of sales of property the purchase price of which was paid from appropriations shall be paid into the airport fund of the municipality.

Rental or charges.

Subd. 7. To determine the charges or rental for the use of any properties under its control and the charges for any services or accommodations, and the terms and conditions under which such properties may be used: *Provided*, That in all cases the public is not deprived of its rightful, equal, and uniform use of such property. Charges shall be reasonable

and uniform for the same class of service and established with due regard to the property and improvements used and the expense of operation to the municipality. The municipality shall have and may enforce liens, as provided by law for liens and enforcement thereof, for repairs to or improvement or storage or care of any personal property, to enforce the payment of any such charges. Liens.

Subd. 8. To exercise all powers necessarily incidental to the exercise of the general and special powers herein granted. Powers.

SEC. 9. Federal Aid. Federal aid.

Subdivision 1. A municipality is authorized to accept, receive, and receipt for Federal monies, and other monies, either public or private, for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airports and other air navigation facilities, and sites therefor, and to comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of Federal monies upon such airports and other air navigation facilities.

Subd. 2. The governing body of any municipality is authorized to designate the Director of Aeronautics of the state as its agent to accept, receive, and receipt for Federal monies in its behalf for airport purposes and to contract for the acquisition, construction, enlargement, improvement, maintenance, equipment or operation of such airports, or other air navigation facilities, and may enter into an agreement with the Director of Aeronautics prescribing the terms and conditions of such agency in accordance with Federal laws, rules and regulations and applicable laws of this state. Such monies as are paid over by the United States Government shall be paid over to said municipality under such terms and conditions as may be imposed by the United States Government in making such grant.

Subd. 3. All contracts for the acquisition, con-

Contracts.

struction, enlargement, improvement, maintenance, equipment or operation of airports or other air navigation facilities, made by the municipality itself or through the agency of the Director of Aeronautics of the state, shall be made pursuant to the laws of this state governing the making of like contracts: *Provided, however,* That where such acquisition, construction, improvement, enlargement, maintenance, equipment or operation is financed wholly or partly with Federal monies the municipality, or the Aeronautics Commission as its agent, may let contracts in the manner prescribed by the Federal authorities, acting under the laws of the United States, and any rules or regulations made thereunder, notwithstanding any other state law to the contrary.

Airports on waters and reclaimed land.

SEC. 10. *The Establishment of Airports on Waters and Reclaimed Land.*

Subdivision 1. The powers herein granted to a municipality to establish and maintain airports shall include the power to establish and maintain such airports in, over and upon any public waters of this state within the limits or jurisdiction of or bordering on the municipality, any submerged land under such public waters, and any artificial or reclaimed land which before the artificial making or reclamation thereof constituted a portion of the submerged land under such public waters, and as well the power to construct and maintain terminal buildings, landing floats, causeways, roadways and bridges for approaches to or connecting with the airport, and landing floats and breakwaters for the protection of any such airport.

Subd. 2. All the other powers herein granted municipalities with reference to airports on land are granted to them with reference to such airports in, over and upon public waters, submerged land under public waters, and artificial or reclaimed land.

SEC. 11. *Joint Operations.*

Subdivision 1. All powers, rights and authority

granted to any municipality in this act may be exercised and enjoyed by two or more municipalities, or by this state and one or more municipalities therein, acting jointly, either within or without the territorial limits of either or any of said municipalities and within or without this state, or by this state or any municipality therein acting jointly with any other state or municipality therein, either within or without this state, provided the laws of such other state permit such joint action.

Subd. 2. For the purposes of this section only, unless another intention clearly appears or the context otherwise requires, this state shall be included in the term "municipality," and all the powers conferred upon municipalities in this act, if not otherwise conferred by law, are hereby conferred upon this state when acting jointly with any municipality or municipalities. Where reference is made to the "governing body" of a municipality, that term shall mean, as to the state, its Director of Aeronautics.

Terms
include state.

Subd. 3. Any two or more municipalities may enter into agreements with each other, duly authorized by ordinance or resolution, as may be appropriate, for joint action pursuant to the provisions of this section. Concurrent action by the governing bodies of the municipalities involved shall constitute joint action.

Joint action
by mu-
nicipalities.

Subd. 4. Each such agreement shall specify its term; the proportionate interest which each municipality shall have in the property, facilities and privileges involved, and the proportion of preliminary costs, costs of acquisition, establishment, construction, enlargement, improvement and equipment, and of expenses of maintenance, operation and regulation to be borne by each, and make such other provisions as may be necessary to carry out the provisions of this section. It shall provide for amendments thereof and for conditions and methods of termination; for the disposition of all or any part

Agreements.

of the property, facilities and privileges jointly owned if said property, facilities and privileges, or any part thereof, shall cease to be used for the purposes herein provided or if the agreement shall be terminated, and for the distribution of the proceeds received upon any such disposition, and of any funds or other property jointly owned and undisposed of, and the assumption or payment of any indebtedness arising from the joint venture which remains unpaid, upon any such disposition or upon a termination of the agreement.

Joint boards.

Subd. 5. Municipalities acting jointly as herein authorized shall create a board from the inhabitants of such municipalities for the purpose of acquiring property for, establishing, constructing, enlarging, improving, maintaining, equipping, operating and regulating the airports and other air navigation facilities and airport protection privileges to be jointly acquired, controlled, and operated. Such board shall consist of members to be appointed by the governing body of each municipality involved, the number to be appointed by each to be provided for by the agreement for the joint venture. Each member shall serve for such time and upon such terms as to compensation, if any, as may be provided for in the agreement.

Rules.

Subd. 6. Each such board shall organize, select officers for terms to be fixed by the agreement, and adopt and from time to time amend rules of procedure.

Subd. 7. Such board may exercise, on behalf of the municipalities acting jointly by which it is appointed, all the powers of each of such municipalities granted by this act, except as herein provided. Real property, airports, restricted landing areas, air protection privileges, or personal property costing in excess of a sum to be fixed by the joint agreement, may be acquired, and condemnation proceedings may be instituted, only by authority of the governing bodies

of each of the municipalities involved. The total amount of expenditures to be made by the board for any purpose in any calendar year shall be determined by the municipalities involved by the approval by each on or before the preceding December first, of a budget for the ensuing calendar year. Rules and regulations provided for by subdivision 3 of section 8 of this act shall become effective only upon approval of each of the appointing governing bodies. No real property and no airport, other air navigation facility, or air protection privilege, owned jointly, shall be disposed of by the board, by sale, lease or otherwise, except by authority of all the appointing governing bodies, but the board may lease space, area or improvements and grant concessions on airports for aeronautical purposes or purposes incidental thereto, subject to the provisions of subdivision 5 of section 8 of this act.

Joint board powers.

Subd. 8. Each municipality, acting jointly with another, pursuant to the provisions of this section is authorized and empowered to enact, concurrently with the other municipalities involved, such ordinances as are provided for by subdivision 3 of section 8 of this act, and to fix by such ordinances penalties for the violation thereof, which ordinances when so concurrently adopted, shall have the same force and effect within the municipalities and on any property jointly controlled by them or adjacent thereto, whether within or without the territorial limits of either or any of them, as ordinances of each municipality involved, and may be enforced in any one of said municipalities in like manner as are its individual ordinances. The consent of the state Director of Aeronautics to any such ordinance, where the state is a party to the joint venture, shall be equivalent to the enactment of the ordinance by a municipality. The publication provided for in subdivision 3 of section 8, aforesaid, shall be made in each municipality involved in the manner provided by law

Ordinances.

Publication.

or charter for publication of its individual ordinances.

Condemnation proceedings.

Subd. 9. Condemnation proceedings shall be instituted, in the names of the municipalities jointly, and the property acquired shall be held by the municipalities as tenants in common. The provisions of subdivision 2 of section 2 shall apply to such proceedings.

Funds.

Subd. 10. For the purpose of providing funds for necessary expenditures in carrying out the provisions of this section, a joint fund shall be created and maintained, into which each of the municipalities involved shall deposit its proportionate share as provided by the joint agreement, such funds to be provided for by bond issues, tax levies and appropriations made by each municipality in the same manner as though it were acting separately under the authority of this act, and into which shall be paid the revenues obtained from the ownership, control and operation of the airports and other air navigation facilities jointly controlled, to be expended as provided in this act; revenues in excess of cost of maintenance and operating expenses of the joint properties to be divided as may be provided in the original agreement for the joint venture.

Disbursements.

Subd. 11. All disbursements from such fund shall be made by order of the board in accordance with such rules and regulations and for such purposes as the appointing governing bodies, acting jointly, shall prescribe.

Specific performance.

Subd. 12. Specific performance of the provisions of any joint agreement entered into as provided for in this section may be enforced as against any party thereto by the other party or parties thereto.

SEC. 12. The establishment of county airport districts is hereby authorized. Written application for the formation of such a district signed by at least one hundred (100) registered voters, who reside and own real estate in the proposed districts, shall be

filed with the Board of County Commissioners. The Board shall immediately transmit the application to the proper registrar of voters for the proposed district who shall check the names, residence and registration of the signers with the records of his office and shall, as soon as possible, certify to said Board the number of qualified signers. If the requisite number of signers is so certified, the Board shall thereupon place the proposition: "Shall a county airport district be established in the following area: (describing the proposed district)?," upon the ballot for vote of the people of the proposed district at the next election, general or special. If a majority of the voters on such proposition shall vote in favor of the proposition, the Board shall, by resolution, declare the district established. If the requisite number of qualified persons have not signed the application, further signatures may be added and certified until the requisite number have signed and the above procedure shall be thereafter followed.

County
airport
districts.

The area of such district may be the area of the county outside incorporated cities and towns, or such portion or portions thereof as the Board may determine to be the most feasible for establishing an airport. When established, an airport district shall be a municipality as defined in this act and entitled to all the powers conferred by this act and exercised by municipal corporations in this state. The airport district is hereby empowered to levy not more than three (3) mills against the assessed valuation of the property lying within the said airport district.

Areas.

SEC. 13. The governing body of such an airport district shall be the Board of County Commissioners.

SEC. 14. *Assistance to Other Municipalities.* Whenever the governing body of any municipality determines that the public interest and the interests of the municipality will be served by assisting any other municipality in exercising the powers and au-

Assistance
of other mu-
nicipalities.

thority granted by this act, such first-mentioned municipality is expressly authorized and empowered to furnish such assistance by gift, or lease with or without rental, of real property, by the donation, lease with or without rental, or loan, of personal property, and by the appropriation of monies, which may be provided for by taxation or the issuance of bonds in the same manner as funds might be provided for the same purposes if the municipality were exercising the powers heretofore granted in its own behalf.

Jurisdiction
exclusive.

SEC. 15. *Jurisdiction Exclusive.* Every airport and other air navigation facility controlled and operated by any municipality, or jointly controlled and operated pursuant to the provisions of this act, shall, subject to Federal and state laws, rules, and regulations, be under the exclusive jurisdiction and control of the municipality or municipalities controlling and operating it and no other municipality in which such airport or air navigation facility shall have any police jurisdiction of the same or any authority to charge or exact any license fees or occupation taxes for the operations thereon. Such municipality or municipalities shall have concurrent jurisdiction over the adjacent territory described in subdivision 3 of section 8 of this act.

Severability.

SEC. 16. *Severability.* If any provision of this act or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

Interpreta-
tion.

SEC. 17. *Interpretation and Construction.* This act shall be so interpreted and construed as to make uniform so far as possible the laws and regulations of this state and other states and of the government

of the United States having to do with the subject of aeronautics.

SEC. 18. *Short Title.* This act may be cited as Title. the "Revised Airports Act."

SEC. 19. *Repeal.* All acts and parts of acts in Repeal. conflict with this act are hereby repealed.

Passed the Senate March 6, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 15, 1945.

CHAPTER 183.

[S. B. 231.]

PUBLIC HEALTH.

AN ACT relating to the public health; providing for the establishment of health districts and ratifying formations and combinations of certain governmental units as health districts and expenditures by counties, cities and towns in connection therewith.

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

SECTION 1. For the purpose of this act words and Definitions. phrases shall have the meaning herein ascribed to them:

"Health district" means all the territory embraced within a single county and all cities and towns therein, except primary cities, and/or all the territory consisting of one or more counties and all the cities and towns in all of the combined counties, except primary cities, which have been combined and organized as hereinafter provided. No city having a population of one hundred thousand (100,000) or more shall be included in any health district. Health district.

"Primary city" as used herein shall mean a city Primary city. having a population of twenty thousand (20,000) or more and less than one hundred thousand (100,000).