

SEC. 24. The violation of or failure to comply with any provision of this act pertaining to fire permits, or of any term or condition of the permit, is a misdemeanor.

Failure to comply.

SEC. 25. All acts and parts of acts in conflict with this act, or any part thereof, are hereby repealed.

Repeal of inconsistent acts.

Passed the Senate March 9, 1947.

Passed the House March 8, 1947.

Approved by the Governor March 20, 1947.

CHAPTER 255.

[S. B. 154.]

FIRE PROTECTION DISTRICTS.

AN ACT relating to Fire Protection Districts and authorizing the Board of Fire Commissioners thereof to institute actions in the Superior Court of the state in the name of the district, to have the Court examine the proceedings had to organize the district, or any proceedings had by the Board of Fire Commissioners to organize any local improvement district therein, proceedings had to authorize, issue, and sell coupon warrants either of the fire district or for a local improvement district therein, or both; proceedings had for any contract of the district involving the Fire District or any Local Improvement District therein and any other proceedings which may affect the legality of the proceedings concerned.

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

SECTION 1. The Board of Fire Commissioners of any Fire Protection District now existing or which may hereafter be organized under the laws of the State of Washington may commence a special proceeding in the Superior Court of the State of Washington in and by which the proceedings for the organization of the fire district or for the formation of any local improvement district therein, or proceedings for the authorization, issuance and sale of coupon warrants, either of the fire district or for a local improvement district therein, or both, whether

Board may cause all proceedings to be reviewed by Superior Court.

such coupon warrants, or any of them, have or have not been sold, or proceedings for any contract of the district involving the fire district or any local improvement district therein and any other proceedings which may affect the legality of the proceedings concerned or any or all of the proceedings above outlined, may be judicially examined, approved and confirmed.

Petition to be filed in Superior Court.

SEC. 2. The Board of Fire Commissioners of the Fire Protection District shall file in the Superior Court of the county in which the Fire Protection District was organized, a petition praying in effect that the proceedings aforesaid or any or all of them be examined, approved and confirmed by the Court. The petition shall state the facts showing any of the proceedings which the petition asks the Court to examine, approve and confirm, but need allege only generally that the Fire Protection District was duly organized and that the first Board of Fire Commissioners was duly elected.

Order fixing time for hearing.

SEC. 3. The Court shall by court order fix the time for the hearing of said petition and direct the Clerk of the Court to give notice of the filing of said petition and of the time and place fixed for the hearing thereof. The notice shall state the time and place fixed for the hearing of the petition and the prayer of the petition and that any person interested in any of the proceedings sought by the petition to be examined, approved and confirmed by the Court, may on or before the day fixed for the hearing of said petition, demur to or answer said petition. The petition may be referred to and described in said notice as the petition of the Board of Fire Commissioners of County Fire Protection District No. (giving the county and its number or any other name by which it is officially designated), praying that the proceedings (naming them as set out in the prayer of the petition), be

Notice of hearing.

Contents of notice.

examined, approved and confirmed by said Court, and shall be signed by the Clerk.

The notice shall be given by posting and publishing in the same manner and for the same length of time that the notice of the hearing on the petition before the Board of County Commissioners to form the District was required by law to be posted and published, and the same may be published in any legal newspaper designated in the order of the Court fixing the time and place of the hearing of the petition and directing the Clerk of the Court to give notice thereof.

Posting and
publication
of notice.

SEC. 4. Any person interested in said Fire Protection District, or in any local improvement district therein, involved in the petition or in any proceedings sought by the petition to be examined, approved and confirmed by the Court, may demur to or answer said petition. The statutes of this state respecting demurrers and answers to verified complaints shall be applicable to demurrers and answers to said petition. The person so demurring to or answering said petition shall be defendant to said special proceeding, and the Board of Fire Commissioners shall be the plaintiff. Every material statement of the petition not specifically controverted by the answer must, for the purposes of said special proceedings, be taken as true, and each person failing to answer the petition shall be deemed to admit as true all the material statements of the petition.

Demurrer
or answer.

Persons
interested.

SEC. 5. The rules of pleading and practice governing civil actions where not inconsistent with the provisions of this act, are applicable to the special proceedings herein provided for. A motion for a new trial must be made upon the minutes of the court and in case of an order granting a new trial, the same must specify the issue to be reexamined on such new trial, and the findings of the Court upon

Rules of
civil actions
applicable.

the other issues shall not be affected by such order granting a new trial.

Determina-
tion by
Court.

SEC. 6. Upon the hearing of such special proceedings, the Court shall have power and jurisdiction to examine and determine the legality and validity of, and to approve and confirm, each and all of the proceedings for the organization of the Fire Protection District and for the formation of any local improvement district therein under the provisions of the law relating to such districts from and including the petition for the organization of the Fire District and for the formation of any local improvement district therein and all other proceedings which affect the legality of said districts, or the validity and legality of any coupon warrants either of the Fire District or for a Local Improvement District therein and all proceedings had by the Fire District for any contract of the District involving the Fire District or any Local Improvement District therein, and any other proceeding which may affect the legality of any of the proceedings concerned.

Court's
authority
and juris-
diction on
questions
presented.

SEC. 7. The Court shall have full authority and jurisdiction to consider any question of laches, estoppel and other infirmities in the position and claims of the defendants to question the legality of the proceedings sought by the plaintiff to be confirmed by the Court and to pass upon and determine them. The Court, in inquiring into the regularity, legality or correctness of any of the proceedings sought by the Board of Fire Commissioners in its petition to be examined, approved and confirmed by the Court, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said special proceedings, and the Court may approve and confirm such proceedings in part and disapprove and declare illegal or invalid other or subsequent parts of the proceedings, or it

may approve and confirm all of such proceedings, and make and enter its decree accordingly.

SEC. 8. The Court shall find and determine, in these special proceedings, whether the notice or the filing of the petition and of the time and place of hearing thereof has been duly posted and published for the time and in the manner prescribed in this act. The costs of the special proceedings may be allowed and apportioned between all the parties, in the discretion of the Court.

Findings on jurisdictional points.

Costs.

SEC. 9. An appeal from an order granting or refusing a new trial, or from the judgment, in the special proceedings must be taken by the party aggrieved within thirty days after the entry of said order or said judgment.

Appeals.

SEC. 10. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or of any section, provision, or part thereof not adjudged to be invalid or unconstitutional.

Saving clause.

Passed the Senate March 9, 1947.

Passed the House March 9, 1947.

Approved by the Governor March 20, 1947.