

CHAPTER 58.

[House Bill No. 112.]

CITIES AND TOWNS—LOCAL IMPROVEMENTS.

AN ACT relating to local improvements of cities and towns; amending section 35.43.170, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.43.170; and amending section 35.43.180, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.43.180.

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

SECTION 1. Section 35.43.170, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.43.170 are each amended to read as follows:

RCW 35.43.170 amended.

No city or town shall proceed with a local improvement initiated by resolution of the city's legislative authority if it appears from the preliminary estimates and assessment roll that the city or town would have been prohibited from proceeding had the proceeding been initiated by petition, except when the legislative authority of the city or town, deeming it necessary for public health or safety, by unanimous vote, orders the construction of sanitary sewers and necessary accessories for the disposal of sewage, or the construction of any sanitary fill, or the construction of watermains and hydrants, or the filling of any street to the established grade over tideflats or tidelands, in which event it may assess all or any part of the cost to property benefited irrespective of the limitations of RCW 35.43.160.

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SEC. 2. Section 35.43.180, chapter 7, Laws of 1965 (Senate Bill No. 3) and RCW 35.43.180 are each amended to read as follows:

RCW 35.43.180 amended.

The jurisdiction of the legislative authority of a city or town to proceed with any local improvement initiated by resolution shall be divested by a protest filed with the city or town council within thirty days from the date of passage of the ordinance ordering the improvement, signed by the owners of the prop-

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erty within the proposed local improvement district subject to sixty percent or more of the total cost of the improvement including federally-owned or other nonassessable property as shown and determined by the preliminary estimates and assessment roll of the proposed improvement district or, if all or part of the local improvement district lies outside of the city or town, such jurisdiction shall be divested by a protest filed in the same manner and signed by the owners of property which is within the proposed local improvement district but outside the boundaries of the city or town and which is subject to sixty percent or more of that part of the total cost of the improvement allocable to property within the proposed local improvement district but outside the boundaries of the city or town, including federally-owned or other nonassessable property: *Provided*, That such restraint by protest shall not apply to any local improvement by sanitary sewers or water-mains and fire hydrants where the health officer of any city or town shall file with the legislative authority thereof a report showing the necessity for such improvement accompanied by a report of the chief of the fire department in the event such improvement includes fire hydrants, and such legislative body finds and recites in the ordinance or resolution authorizing the improvement that such improvement is necessary for the protection of the public health and safety and such ordinance or resolution is passed by unanimous vote of all members present.

Passed the House March 5, 1965.

Passed the Senate March 10, 1965.

Approved by the Governor March 20, 1965.