

## CHAPTER 7.

[ Senate Bill No. 3. ]

AN ACT relating to state and local government; enacting a title of the Revised Code of Washington to be known as Title 35—Cities and Towns; providing penalties; repealing certain acts and parts of acts; and declaring an emergency.

*Be It Enacted By the Legislature of the State of Washington:*

## TITLE 35

## CITIES AND TOWNS

## Chapter 35.01

## MUNICIPAL CORPORATIONS CLASSIFIED

**35.01.010 First class city.** A first class city is one having at least twenty thousand inhabitants at the time of its organization or reorganization.

**35.01.020 Second class city.** A second class city is one having at least ten thousand inhabitants at the time of its organization or reorganization.

**35.01.030 Third class city.** A third class city is one having at least fifteen hundred inhabitants at the time of its organization or reorganization.

**35.01.040 Fourth class—Town.** A municipal corporation of the fourth class, which shall be known as a town, is one having not less than three hundred inhabitants and not more than fifteen hundred inhabitants at the time of its organization.

## Chapter 35.02

## INCORPORATION PROCEEDINGS

**35.02.010 Authority for incorporation—Number of inhabitants required.** Any portion of a county containing not less than three hundred inhabitants lying outside the limits of an incorporated city or town may become incorporated as a municipal corporation of the class to which it belongs: *Provided*, That no area which lies within five miles of any city having a population of fifteen thousand or more shall be incorporated after June 12, 1963 which contains less than three thousand inhabitants if such area or any part thereof lies within a class AA or A county.

**35.02.020 Petition for incorporation—Signatures.** A petition for incorporation must be signed by qualified voters resident within the limits of the proposed city or town equal in number to twenty percent of the votes cast at the last state election and presented to the auditor of the county.

**35.02.030 Petition for incorporation—Contents.** The petition for incorporation shall contain the form of government under which a city is to operate in the event it is incorporated, set forth and particularly describe the proposed boundaries of the proposed city or town, state the name of the proposed corporation and state the number of inhabitants therein, as nearly as may be, and pray that it may be incorporated.

**35.02.035 Petition—Auditor's duties.** The county auditor shall within thirty days from the time of receiving said petition determine that the legal description of the area proposed to be incorporated is correct and that there is a sufficient number of valid signatures. Upon such determination, the county auditor shall transmit said petitions accompanied by the certificate of sufficiency, to the board of county commissioners.

**35.02.040 Publication of petition and notice.** Upon receipt of a petition for incorporation together with a certificate of sufficiency by the county auditor, the board of county commissioners shall give notice of the hearing upon said petition for incorporation by one publication in not more than ten nor less than three days prior to the date set for said hearing in one or more newspapers of general circulation within the county. Said notice shall contain the time and place of said hearing.

**35.02.050 Presentation of petition.** If the petition sets forth an estimate of inhabitants of fifteen hundred or more, the chairman of the board of county commissioners, if the board is not in regular session at the time, shall call a special meeting of the board within five days; otherwise the petition may be presented at any regular or special meeting of the board.

**35.02.060 Hearing on petition.** When the petition for incorporation is presented the board of county commissioners shall hear it, but may adjourn the hearing from time to time not exceeding two months in all.

**35.02.070 Findings by board of county commissioners—Establishment of boundaries—Limitation.** Upon final hearing on a petition for incorporation the board shall establish and define the boundaries of the proposed city or town, being authorized to decrease but not increase the area proposed in the petition and any

such decrease shall not exceed twenty percent of the area proposed; it must also determine the number of inhabitants within the boundaries it has established: *Provided*, That the area shall not be so decreased that the number of inhabitants therein shall be less than required by RCW 35.02.010 as now or hereafter amended.

**35.02.080 Election on question and of officers required.** Following the action required of the board of county commissioners by RCW 35.02.070, an election shall be conducted within the area to determine whether it shall be incorporated, and to fill the various elective offices prescribed by law for cities of the class to which it will belong. Said election shall be conducted by the county auditor and the results thereof canvassed by the county canvassing board of election returns.

**35.02.086 Candidates for elective positions—Filing—Withdrawal—Ballot position.** Candidates for city or town elective positions of the class to which such proposed corporation will belong and for the type of government as named in said petition shall file a declaration of candidacy with the county auditor not more than forty-five nor less than thirty days prior to said election. Any candidate may withdraw his declaration at any time within five days after the last day allowed for filing declaration of candidacy. There shall be no fee charged for filing a declaration of candidacy for this incorporation election. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of offices for which they are candidates. Names of candidates printed upon the ballot need not be rotated.

**35.02.090 Election—Conduct—Voters' qualifications.** The election shall be conducted in accordance with the general election laws of the state. No person shall be entitled to vote thereat unless he is a qualified elector of the county and has resided within the limits of the proposed city or town for at least thirty days next preceding the date of election.

**35.02.100 Notice of election—Contents.** The notice of election shall be given as provided by RCW 29.27.080 but shall further describe the boundaries of the proposed city or town, its name and the number of inhabitants, ascertained by the board of county commissioners to reside therein.

**35.02.110 Ballots.** The ballots shall contain the words "for incorporation" and "against incorporation" or words equivalent thereto, and also the names of the persons to be voted for, to fill the various elective offices.

**35.02.120 Certification of election results—Order of board declaring incorporation.** The county canvassing board of election returns shall certify the results of the election to the board of county commissioners. If the results reveal that a majority of the votes cast are for incorporation, the board by an order entered upon its minutes shall declare the city or town duly incorporated as of the class to which it may belong, naming it under the style of city (or town) of ..... The board shall cause a certified copy of the order to be filed in the office of the secretary of state.

**35.02.130 Effective date of incorporation—Terms of elected officers—First municipal election.** The incorporation shall be complete upon the filing of the order of the board of county commissioners declaring it so, in the office of the secretary of state. The county auditor shall issue certificates of election to the successful candidates on or before the twentieth day following an election and said newly elected officials shall assume office on the first Monday following the issuance of the certificate of election and shall continue in office until their successors are elected and qualified at the next general municipal election: *Provided*, That if the date of the next general municipal election is less than seventy-five days after the incorporation election, the officials elected at the incorporation election shall hold office until their successors are elected and qualified at the general municipal election next following.

**35.02.140 Disposition of uncollected road district taxes.** Whenever in any territory forming a part of an incorporated city or town which is part of a road district of the county, and road district taxes have been levied but not collected on any property within such territory, the same shall, when collected by the county treasurer, be paid to such city or town and placed in the city or town street fund by the city or town: *Provided*, That this section shall not apply to any special assessments due in behalf of such property.

**35.02.150 Pending final disposition of petition no other incorporation or annexation to be acted upon—Withdrawal or substitution.** After the filing of any petition for incorporation with the county auditor, and pending its final disposition as provided for in this chapter, no other petition for incorporation or annexation which embraces any of the territory included therein shall be acted upon by the county auditor or the board of county commissioners, or by any city or town clerk, city or town council, or by any other public official or body that might otherwise be empowered to receive or act upon such a petition: *Provided*, That any petition for incorporation may be withdrawn, or a new petition embracing other or different boundaries may be substituted there-

for, by a majority of the signers thereof, at any time before such petition has been certified by the county auditor to the board of county commissioners, in which case the same proceedings shall be taken as in the case of an original petition.

### Chapter 35.03

#### INCORPORATION OF FIRST CLASS CITIES

**35.03.010 Incorporation authorized—Population, area—Powers.** Any portion of a county, which portion contains not less than twenty thousand inhabitants, living within an area of not more than ten square miles, and which is not incorporated as a municipal corporation, may become incorporated under the provisions of this chapter, and when so incorporated, shall have the powers conferred, or that may hereafter be conferred, by law upon cities of the first class.

**35.03.020 Petition—Determining population, boundaries—Hearing.** A petition shall first be presented to the board of county commissioners of such county, signed by at least one hundred qualified electors of the county, residents within the limits of such proposed corporation, which petition shall set forth and particularly describe the proposed boundaries of such corporation, and state the number of inhabitants therein as nearly as may be, and shall pray that the same may be incorporated under the provisions of this chapter. Upon presentation of said petition, the board of county commissioners shall ascertain the number of inhabitants residing within said proposed boundaries. If, in the opinion of the board of county commissioners, the population within such proposed boundaries can be ascertained from the figures compiled from the last federal census for said county, such population figures shall be used, otherwise said board of county commissioners shall make an enumeration of all persons residing within said proposed boundaries. If the board of county commissioners shall ascertain that there are twenty thousand or more inhabitants within said proposed boundaries, they shall set a date for hearing on said petition, the same to be published for a period of at least two weeks prior to such hearing in some newspaper published in said county, together with a notice stating the time and place of the meeting at which said petition will be heard. Such hearing may be adjourned from time to time, not to exceed one month in all, and, on the final hearing, the board of county commissioners shall make such changes in the proposed boundaries as they may find to be proper, but may not enlarge the same, nor reduce the same so that the population therein would be less than twenty thousand inhabitants.

**35.03.030 Resolution—Election—Conduct of election.** The board of county commissioners shall by resolution establish and define the boundaries of such corporation, establish and find the number of inhabitants residing therein and state the name of the proposed corporation. Within ninety days after the passage of said resolution the board of county commissioners shall cause an election to be called and held within the boundaries so established, said election to be conducted as provided in chapter 29.13 RCW as now or hereafter amended, for the purpose of determining whether such boundaries so established shall be incorporated into a city of the first class and the election of fifteen freeholders, who shall have been residents within said boundaries for a period of at least two years preceding their election and qualified electors of the county, for the purpose of framing a charter for said city. Any qualified person may, not earlier than sixty days nor later than thirty days prior to such election, file with the county auditor of said county his declaration of candidacy in writing. The form of ballot at such election shall be "for incorporation," "against incorporation"; and shall contain the names of the freeholders to be voted upon to frame said charter. No person shall be entitled to vote at such election unless he shall be a qualified elector of said county and shall have resided within the limits of such proposed corporation for at least thirty days next preceding such election.

**35.03.040 Charter—Procedure for adoption—Election of first officials.** If at such election a majority of those voting thereat vote in favor of incorporation, the board of county commissioners shall, by resolution entered upon its minutes, declare such territory duly incorporated as a city of the first class under the name of (naming it). Thereafter said city shall have no authority to function as a municipal corporation until a charter has been adopted in accordance with the provisions of this section, except for all purposes necessary for the adoption of such charter. The fifteen freeholders receiving the highest number of votes at such election shall be certified by the county auditor as elected as freeholders to form a charter for said city. It shall be the duty of the persons so elected to convene within ten days after their election and frame a charter for said city, and within sixty days thereafter they, or a majority of their number, shall submit such charter to the board of county commissioners which shall within ninety days thereafter cause another election to be called and held in said city and to be conducted as provided in chapter 29.13 RCW as now or hereafter amended and in conformity with article 11, section 10 of the Constitution, for the purpose of submitting said charter to the qualified electors of said city and for the election of the various elective officials to the respective offices named in said charter. The form of ballot at

such election shall be "for proposed charter," "against proposed charter," and the names of the candidates for the respective offices named in said proposed charter. At the first election of officials for said city any qualified elector of said city may become a candidate for any of the elective offices set forth in such proposed charter without nomination by filing with the proper election officials of the county a declaration in writing that he desires to be a candidate for a particular office (naming it), such declaration to be filed not earlier than sixty nor later than thirty days prior to such election. The candidates receiving the highest number of votes for the respective offices shall be declared elected to such office and the county auditor shall issue a certificate of such election. After the first election the nomination and election of officials for said city shall be as prescribed in the charter adopted by the people and the laws of the state. No person shall be entitled to vote at such election unless he shall be a qualified elector of said city and shall have resided within the limits of said city for at least thirty days preceding such election.

**35.03.050 Charter—Authentication, recording—Effective date of incorporation—Judicial notice.** If a majority of the votes cast at such election are cast in favor of ratification of such charter, the same shall become the organic law of said city, and shall supersede all special laws inconsistent therewith, when authenticated, recorded and attested as hereinafter provided:

I, \_\_\_\_\_, chairman of the board of county commissioners for \_\_\_\_\_ county, do hereby certify that, in accordance with the provisions of chapter \_\_\_\_\_ of the Laws of 19\_\_\_\_, of the state of Washington, the county commissioners of said county duly caused an election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, within the boundaries hereinafter described, for the purpose of determining whether or not the same should be incorporated into a city of the first class and for the purpose of electing fifteen freeholders to form a charter for such city, said boundaries being described as follows: (describe proposed boundaries). At said election \_\_\_\_\_ votes were cast in favor of incorporation and \_\_\_\_\_ votes were cast against incorporation, and the following named persons were duly elected freeholders for the purpose of forming a charter for said city, to wit: (name freeholders elected). That thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, said board of freeholders duly returned a proposed charter for said city of \_\_\_\_\_, signed by the following named members, to wit: (name signers). That thereafter on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at an election duly called for said purpose, the proposed charter was submitted to the qualified electors of said city, and the returns of said election were duly canvassed, and the result of said

election was found to be as follows: For said proposed charter, ..... votes; against said proposed charter, ..... votes. Whereupon, the said charter was declared duly ratified. And I further certify that the annexed charter is a full, true, and correct copy of the proposed charter so voted upon and ratified as aforesaid.

In testimony whereof, I have hereunto set my hand this ..... day of ....., 19.....  
(County seal)

.....  
Chairman of the board of county commissioners for ..... county.

Said certificate shall be made in duplicate and the board of county commissioners shall cause one copy thereof to be immediately delivered to the secretary of state and the other copy to be delivered to the mayor-elect of said city. From and after the filing of said certificate with the secretary of state, said incorporation shall be deemed complete, and the officers so elected at said election shall be entitled to enter immediately upon the duties of their respective offices upon qualifying according to the provisions of said charter, and shall hold such offices, respectively, until the next general municipal election and until their successors are elected and qualified. The mayor shall deliver the certificate so delivered to him to the clerk of such city, who shall file the same as an official record of the city. The clerk shall immediately thereafter record the charter in a book to be provided and kept for said purpose and known as the charter book of the city of ..... and when so recorded shall be attested by the clerk and the mayor of the city, under the corporate seal thereof, and thereafter any and all amendments to said charter shall in like manner be recorded and attested and, when so recorded and attested, all courts in this state shall take judicial notice of said charter and all amendments thereto.

## Chapter 35.04

### INCORPORATION OF INTERCOUNTY AREAS

**35.04.010 Definitions.** As used in this chapter, unless the context indicates otherwise, "principal county auditor", "principal board of county commissioners", "principal county canvassing board", and "principal county officer" mean respectively those in the county of that part of the proposed corporation in which the largest number of inhabitants reside as of the date of the incorporation thereof.

**35.04.020 Incorporation authorized—Number of inhabitants required when proximate to city of fifteen thousand or more in certain counties.** Any area lying in two or more counties which is not



incorporated as a municipal corporation, may become incorporated under the provisions of this chapter: *Provided*, That when any part of the area to be incorporated lies within five miles of any city having a population of fifteen thousand or more and in a class AA or A county, no petition under RCW 35.04.030 shall be valid unless the limits of the proposed city contain three thousand or more inhabitants. When so incorporated, it shall, unless otherwise provided by law, possess all the powers, duties, and benefits conferred upon or vested in, or that may hereafter be conferred upon or vested in, other municipalities of the same class and upon the officers thereof.

**35.04.030 Petition for incorporation.** A petition shall first be presented to the principal county auditor signed by qualified voters resident within each area of each county of the proposed corporation equal in number to twenty percent of the votes cast at the last state election. The petition shall set forth and particularly describe the form of government under which the proposed corporation is to operate in the event it is incorporated, the proposed boundaries of the proposed corporation, the number of inhabitants, as nearly as may be, within each area of each county within the proposed corporation, the name of the proposed corporation, and shall pray that the area may be incorporated under the provisions of this chapter.

**35.04.040 ———Duties of county auditors—Certificates of sufficiency.** The principal auditor shall, as soon as possible, but in any case not later than thirty days after the date of receiving the petition, determine or cause to be determined whether the legal description of the area to be incorporated in his county is correct, and determine whether there is a sufficient number of valid signatures in his county. Upon such determination the principal county auditor shall transmit the petition to the other county auditor, or if more than one is involved, successively to each, and such other auditors shall determine whether the legal description is correct and whether there is sufficient number of valid signatures from the area within their respective counties. No one county auditor shall be allowed more than thirty days within which so to check the petition. Thereupon the auditor or auditors shall attach a certificate of sufficiency and return the petition to the principal county auditor who, in turn, shall, not later than five days after receiving it, attach his certificate of sufficiency thereto for his respective county and transmit the petition and certificates to the principal board of county commissioners.

**35.04.050 ———Notice of hearing.** The principal board of county commissioners shall meet and fix a date for a hearing on

the petition, and shall give notice of the hearing upon the petition and the time and place thereof by at least one publication not more than ten nor less than three days prior to the date set for the hearing in one or more newspapers of general circulation within the respective counties in which the proposed corporation is located. The approval of each board of county commissioners of the other county or counties involved shall first be secured by the principal board of county commissioners prior to action by them under this section.

**35.04.060 ———Hearing—Inclusion and exclusion of lands—Order.** The hearing provided for in RCW 35.04.050 shall be held jointly by all the respective boards of county commissioners under the direction of the principal board of county commissioners. The hearing may be adjourned from time to time not to exceed two months in all. If upon final hearing the respective boards find that any land has been unjustly or improperly included within or excluded from the proposed corporation, the respective boards may change and fix the boundary lines of the portion of the proposed corporation within their respective counties in such a manner as they deem reasonable and just and conducive to the public welfare and convenience, and each such board shall thereupon enter an order establishing and defining the boundary lines of the proposed corporation within its respective county: *Provided*, That when any part of the area to be incorporated lies within five miles of any city having a population of fifteen thousand or more and in a class AA or A county, the area shall not be so decreased that the number of inhabitants therein shall be less than three thousand. No land shall be so included within the boundaries described in the petition unless each board of county commissioners of that county in which the area sought to be included is located first obtains the written assent of not less than a number of qualified voters resident within each area to be included in the proposed corporation equal in number to twenty percent of the votes cast at the last state election. Each board of county commissioners shall for the area within its respective county, promptly after the final hearing, by order establish and define the boundaries of the proposed corporation, determine the number of inhabitants residing therein and state the name of the proposed corporation: *Provided*, That for the action required after the final hearing, the boards may act jointly but in such case a majority of each board must vote favorably on such final action and the order shall be entered in the minutes of each board.

**35.04.070 Determining population.** For the purpose of the type of incorporation provided for in this chapter, the population shall be determined as follows:

A count shall be made by, or under the direction of, each board of each county in which a portion of the proposed corporation is located, of the number of dwelling units in that area at the time of incorporation or with respect to any area to be annexed thereto later, multiplied by a factor of 2.95, and the population so determined shall constitute the official population of the proposed corporation and subtracted from the official population of the unincorporated area of each of the counties in which the proposed corporation is located. In the event unincorporated territory is annexed to such corporation, the same procedures with respect to population shall be applicable.

**35.04.080 Election for incorporation.** Within sixty days after the passage of the order required by RCW 35.04.060, the principal county auditor shall cause an election to be held within the boundaries so established for the purpose of determining whether the area described shall be incorporated into the class of corporation to which it belongs and to fill the various elective offices prescribed by law for corporations of such class under the form of government specified in the petition. The election shall be conducted by the principal county auditor in accordance with the general election laws of the state. The principal county officers and principal county canvassing board shall exercise all powers and perform all duties in connection therewith with the assistance of the officers and canvassing board of the other county or counties. If the election is successful, all costs incurred shall be borne by the corporation, but if unsuccessful, all costs incurred shall be borne proportionately by each county in that ratio which the number of inhabitants residing in that part of each county forming a part of the proposed corporation bears to the total number of inhabitants residing within the boundaries of the whole of the proposed corporation.

**35.04.090 Candidates—Filing, withdrawal, ballot position. Qualification of electors.** Any qualified person may, not earlier than forty-five days nor later than thirty days prior to such election, file with the principal county auditor his declaration of candidacy. Any candidate may withdraw his declaration at any time within five days after the last day allowed for filing declarations of candidacy. There shall be no fee charged for filing declarations of candidacy for this incorporation election. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of office for which they are candidates. Names of candidates printed upon the ballot need not be rotated. No person shall be entitled to vote at such election unless he is a qualified elector of his respective county within the proposed corporation and has resided within the limits of such pro-

posed corporation for at least thirty days next preceding such election.

**35.04.100 Notice of election.** The notice of election shall be given by the principal county auditor as provided by RCW 29.27.080 as now or hereafter amended, and shall describe the boundaries of the proposed corporation, its name, and the number of inhabitants residing therein as ascertained by the boards of county commissioners of the counties in which it is located.

**35.04.110 Form of ballot.** The form of ballot at such election shall be "for incorporation", "against incorporation"; and shall contain the names of the candidates for each office to be voted upon.

**35.04.120 Certification of election results—Order of incorporation—Candidates elected.** The principal county canvassing board shall certify the results of the election to the respective boards of county commissioners. If, at the election, a majority of those voting thereat in each area favor incorporation, the respective boards of county commissioners acting jointly shall, by order, declare such territory to be incorporated as a corporation of the class to which it belongs under the name of (naming it) and such order shall be entered in the minute record of each board. The candidate receiving the highest number of votes for his respective office shall be declared elected and the principal county auditor shall issue a certificate of such election on or before the twentieth day following election.

**35.04.130 When incorporation complete—Terms of elected officers—First municipal election.** The incorporation shall be complete upon the filing of a certified copy of the order of the boards of county commissioners declaring it so in the office of the secretary of state. The successful candidates shall assume office on the first Monday following the issuance of the certificate of election and shall continue in office until their successors are elected and qualified at the next general municipal election: *Provided*, That if the date of the next general municipal election is less than seventy-five days after the incorporation election, the officials elected at the incorporation election shall hold office until their successors are elected and qualified at the general municipal election next following.

**35.04.140 Municipal election procedure.** After such a proposed corporation has been incorporated, the elections shall be conducted as provided in chapter 29.13 RCW except each county auditor in each county in which a part of such corporation is located shall be responsible for closing registration files in accordance with RCW 29.07.160.

**35.04.150 Powers and duties of county officers after incorporation—Costs.** After incorporation all purposes essential to the maintenance, operation, and administration of the corporation whenever any action is required or may be performed by any county officer or board, such action shall be performed by the respective officer or board of the county of that part of the municipality in which the largest number of inhabitants reside as of the date of the incorporation of the proposed corporation except as provided in RCW 35.04.160, and all costs incurred shall be borne proportionately by each county in that ratio which the number of inhabitants residing in that part of each county forming a part of the proposed corporation bears to the total number of inhabitants residing within the whole of the corporation.

**35.04.160 ———Finances—Costs.** In the case of evaluation, assessment, collection, apportionment, and any other allied power or duty relating to taxes in connection with the corporation, the action shall be performed by the officer or board of the county for that area of the corporation which is located within his respective county, and all materials, information, and other data and all moneys collected shall be submitted to the proper officer of the county of that part of the corporation in which the largest number of inhabitants reside. Any power which may be or duty which shall be performed in connection therewith shall be performed by the officer or board receiving such as though only a corporation in a single county were concerned. All moneys collected from such area constituting a part of such corporation that should be paid to such corporation shall be delivered to the corporate treasurer thereof, and all other materials, information, or data relating to the corporation shall be submitted to the appropriate corporate officials.

Any costs or expenses incurred under this section shall be borne proportionately by each county involved.

**35.04.170 Corporate powers in dealings with federal government.** Any corporation incorporated as provided in this chapter shall, in addition to all other powers, duties and benefits of corporations of the same class, be authorized to purchase, acquire, lease, or administer any property, real or personal, or property rights and improvements thereon owned by the federal government on such terms and conditions as may be mutually agreed upon, when authorized to do so by the United States government, and thereafter to sell, transfer, exchange, lease, or otherwise dispose of any such property, and to execute contracts with the federal government with respect to supplying water and for other utility services.

**35.04.180 Consolidation and annexation.** Any corporation incorporated as provided in this chapter may consolidate or annex other incorporated or unincorporated territory outside the existing boundaries of such corporation but contiguous thereto, whether or not the territory lies in one or more counties, by following the procedure provided by law for such cases when only a single county is involved.

## Chapter 35.06

### ADVANCEMENT OF CLASSIFICATION

**35.06.010 Population requirements for advance in classification.** A city or town which has, as ascertained by a local census, or which has on the first day of January in any year according to an official report or abstract of the then next preceding federal or state census, at least twenty thousand inhabitants may become a city of the first class; a city or town which has, when ascertained in the same way, at least ten thousand inhabitants may become a city of the second class; a city or town which has, when ascertained in the same way, at least fifteen hundred inhabitants may become a city of the third class.

**35.06.020 Petition—Local census.** When a petition is filed signed by electors of a city or town, in number equal to not less than one-fifth of the votes cast at the last municipal election, seeking reorganization thereof as a city of a higher class than that indicated by the last preceding federal or state census, the city or town council to which the petition is presented shall forthwith cause a census to be taken by one or more suitable persons of all the inhabitants of such town or city in which census the full name of each person shall be plainly written, and the names alphabetically arranged and regularly numbered in complete series. The census shall be verified before an officer authorized to administer oaths and filed with the city or town clerk.

If the census shows such city or town qualified for the class named in the petition, the same proceedings shall be had as if the census were a federal or state census.

If the census shows such city or town not qualified for the class named in the petition, no further proceedings shall be had: *Provided*, That the city or town may be reorganized as a city or town of the class indicated by the census, upon a proper petition filed within six months from the filing of such census with the clerk, without other or further census.

**35.06.030 Procedure if census is favorable—Election.** If the census prescribed in RCW 35.06.020 shows that the city or town belongs

to the class named in the petition, the city or town council shall cause notice to be given as in other cases, that at the next general election of the city or town, or at a special election to be called for that purpose, the electors may vote for or against the advancement, their ballots to contain the words "for advancement" and the words "against advancement."

**35.06.040 Certifying of returns.** The canvassing authority of such election shall forthwith certify in duplicate to the city or town clerk the whole number of votes given at the election, the number in favor of advancement, and the number against it.

**35.06.050 Effect of adverse vote.** The clerk shall lay the certificate of election and census before the council at its next regular meeting after the same has been filed in his office, and if it appear that all the votes cast for the advancement are not a majority of the votes cast at the election, no further proceedings shall be had on that petition; but this shall not bar any new proceedings for such purpose.

**35.06.060 Effect of favorable vote.** If a majority of votes is in favor of such advancement, and the corporation, according to the federal or state census, or the census taken by order of the council, contains the requisite number of inhabitants, the council shall thereupon, by resolution, declare that the inhabitants of the corporation have decided on such advancement, and direct the clerk to certify the resolution to the clerk of the board of county commissioners.

**35.06.070 Transcript of record to secretary of state.** It shall be the duty of said board to cause a record of such action to be made, and when the clerk of the board has made the record, he shall certify and forward to the secretary of state a transcript thereof, whereupon the corporation shall be a city of the third, second, or first class, as the case may be, to be organized and governed under the provisions of this title, and when the corporation is actually organized by the election and qualification of its officers, notice of its existence as such shall be taken in all judicial proceedings.

**35.06.080 Election of new officers.** The first election of officers of the new corporation shall be at the first general municipal election after such proceedings, and the officers of the old corporation shall remain in office until the officers of the new corporation are elected and qualified; and the ordinances, bylaws, and resolutions adopted by the old corporation shall, as far as consistent with the provisions of this title, continue in force until repealed by the council of the new corporation; and the council and officers of the old corporation shall, upon demand, after the expiration of their

term of office, deliver to the proper officers of the new corporation all books of record, documents, and papers in their possession belonging to the old corporation.

## Chapter 35.07

### DISINCORPORATION

**35.07.010 Authority for disincorporation.** Cities of the third class and towns having a population of less than four thousand inhabitants may disincorporate.

**35.07.020 Petition—Requisites.** The petition for disincorporation must be signed by a majority of the registered voters thereof and filed with the city or town council.

**35.07.030 Census.** Upon the filing of the petition, the council shall appoint a suitable person to make an enumeration of the inhabitants of the municipality unless an enumeration has been made for the city or town, county, state, or the United States within six months next preceding the filing of the petition showing the city's or town's population to be less than four thousand. An enumeration made hereunder, unless impeached for fraud, shall be conclusive.

**35.07.040 Calling election—Receiver.** If the applicable census shows a population of less than four thousand, the council shall cause an election to be called upon the proposition of disincorporation. If the city or town has any indebtedness or outstanding liabilities, it shall order the election of a receiver at the same time.

**35.07.050 Notice of election.** Notice of such election shall be given as provided in RCW 29.27.080.

**35.07.060 Ballots.** The ballots for the election shall be printed at the expense of the municipality and there shall be printed thereon the words "for dissolution" in one line and the words "against dissolution" in another line and in other and separate lines, the names of each of the lawfully nominated candidates for receiver. In all other respects the ballots shall be in conformity with the law regulating elections in such cities and towns.

**35.07.070 Conduct of election.** The election shall be conducted as other elections are required by law to be conducted in the city or town except as in this chapter otherwise provided.

**35.07.080 Canvass of returns.** The result of the election, together with the ballots cast, shall be certified by the canvassing authority to the council which shall meet within one week thereafter and shall declare the result which shall be made a matter



of record in the journal of the council proceedings. If the vote "For dissolution" be a majority of the registered voters of such city or town voting at such election, such corporation shall be deemed dissolved.

**35.07.090 Effect of disincorporation — Powers — Officers.** Upon disincorporation of a city or town, its powers and privileges as such, are surrendered to the state and it is absolved from any further duty to the state or its own inhabitants and all the offices appertaining thereto shall cease to exist immediately upon the entry of the result: *Provided*, That if a receiver is required, the officers shall continue in the exercise of all their powers until a receiver has qualified as such, and thereupon shall surrender to him all property, money, vouchers, records and books of the city or town including those in any manner pertaining to its business.

**35.07.100 Effect of disincorporation—Existing contracts.** Disincorporation shall not impair the obligation of any contract. If any franchise lawfully granted has not expired at the time of disincorporation, the disincorporation does not impair any right thereunder and does not imply any authority to interfere therewith to any greater extent than the city or town might have, if it had remained incorporated.

**35.07.110 Effect of disincorporation—Streets.** Upon disincorporation of a city or town, its streets and highways pass to the control of the state and shall remain public highways until closed in pursuance of law; and the territory embraced therein shall be made into a new road district or annexed to adjoining districts as may be ordered by the board of county commissioners of the county embracing such city or town.

**35.07.120 Receiver—Qualification—Bond.** The receiver must qualify within ten days after he has been declared elected, by filing with the county auditor a bond equal in penalty to the audited indebtedness and the established liabilities of the city or town with sureties approved by the board of county commissioners, or if the board is not in session, by the judge of the superior court of the county. The bond shall run to the state and shall be conditioned for the faithful performance of his duties as receiver and the prompt payment in the order of their priority of all lawful claims finally established as the funds come into his hands to discharge them. The bond shall be filed with the county auditor and shall be a public record and shall be for the benefit of every person who may be injured by the receiver's failure to discharge his duty.

**35.07.130 Elected receiver—Failure to qualify—Court to appoint.** If the person elected receiver fails to qualify as such within

the prescribed time, the council shall file in the superior court of the county a petition setting forth the fact of the election, its result and the failure of the person elected receiver to qualify within the prescribed time and praying for the appointment of another person as receiver. Notice of the filing of the petition and of the time fixed for hearing thereon must be served upon the person elected receiver at least three days before the time fixed for the hearing. If he cannot be found within the county, no notice need be served, and the court may proceed with full jurisdiction to determine the matter upon the hearing. Unless good cause to the contrary is shown, the court shall appoint some suitable person to act as receiver, who shall qualify as required by RCW 35.07.120 within ten days from the date of his appointment.

If the council fails to procure the appointment of a receiver, any person qualified to vote in the city or town may file such a petition and make such application.

**35.07.140 No receiver elected though indebtedness exists—Procedure.** If no receiver is elected upon the supposition that no indebtedness existed and it transpires that the municipality does have indebtedness or an outstanding liability, any interested person may file a petition in the superior court asking for the appointment of a receiver, and unless the indebtedness or liability is discharged, the court shall appoint some suitable person to act as receiver who shall qualify as required of any other receiver hereunder, within ten days from the date of his appointment.

**35.07.150 Duties of receiver—Claims—Priority.** The receiver, upon qualifying, shall take possession of all the property, money, vouchers, records and books of the former municipality including those in any manner pertaining to its business and proceed to wind up its affairs. He shall have authority to pay:

(1) All outstanding warrants and bonds in the order of their maturity with due regard to the fund on which they are properly a charge;

(2) All lawful claims against the corporation which have been audited and allowed by the council;

(3) All lawful claims which may be presented to him within the time limited by law for the presentation of such claims, but no claim shall be allowed or paid which is not presented within six months from the date of the disincorporation election;

(4) All claims that by final adjudication may come to be established as lawful claims against the corporation.

As between warrants, bonds and other claims, their priority shall be determined with regard to the fund on which they are properly a charge.

**35.07.160 Receiver may sue and be sued.** The receiver shall have the right to sue and be sued in all cases necessary or proper for the purpose of winding up the affairs of the former city or town and shall be subject to suit in all cases wherein the city or town might have been sued, subject to the limitations provided in this chapter.

**35.07.170 Receiver—Power to sell property.** The receiver shall be authorized to sell at public auction after such public notice as the sheriff is required to give of like property sold on execution, all the property of the former municipality except such as is necessary for his use in winding up its affairs, and excepting also such as has been dedicated to public use.

Personal property shall be sold for cash.

Real property may be sold for all cash, or for one-half cash and the remainder in deferred payments, the last payment not to be later than one year from date of sale. Title shall not pass until all deferred payments have been fully paid.

**35.07.180 Receiver—Power to levy taxes.** In the same manner and to the same extent as the proper authorities of the former city or town could have done had it not been disincorporated, the receiver shall be authorized to levy taxes on all taxable property, to receive the taxes when collected and to apply them together with the proceeds arising from sales to the extinguishment of the obligations of the former city or town.

After all the lawful claims against the former city or town have been paid excepting bonds not yet due, no levy greater than two mills on the dollar shall be made; nor shall the levy be greater than sufficient to meet the accruing interest until the bonds mature.

**35.07.190 Receiver's compensation.** The receiver shall be entitled to deduct from any funds coming into his hands a commission of six percent on the first thousand dollars, five percent on the second thousand and four percent on any amount over two thousand dollars as his full compensation exclusive of necessary traveling expenses and necessary disbursements, but not exclusive of attorney's fees.

**35.07.200 Receiver—Removal for cause.** The receiver shall proceed to wind up the affairs of the corporation with diligence and for negligence or misconduct in the discharge of his duties may be removed by the superior court upon a proper showing made by a taxpayer of the former city or town or by an unsatisfied creditor thereof.

**35.07.210 Receiver—Successive appointments.** In the case of removal, death, or resignation of a receiver, the court may appoint a new receiver to take charge of the affairs of the former city or town.

**35.07.220 Receiver—Final account and discharge.** Upon the final payment of all lawful demands against the former city or town, the receiver shall file a final account, together with [with] all vouchers, with the clerk of the superior court. Any funds remaining in his hands shall be paid to the county treasurer for the use of the school district in which the former city or town was situated; and thereupon the receivership shall be at an end.

**35.07.230 Involuntary dissolution of towns—Authorized.** If any town fails for two successive years to hold its regular municipal election, or if the officers elected at the regular election of any town fail for two successive years to qualify and the government of the town ceases to function by reason thereof, the state auditor through the division of municipal corporations may petition the superior court of the county for an order, dissolving the town. In addition to stating the facts which would justify the entry of such an order, the petition shall set forth a detailed statement of the assets and liabilities of the town insofar as they can be ascertained.

**35.07.240 ———Notice of hearing.** Upon the filing of a petition for the involuntary dissolution of a town, the superior court shall enter an order fixing the time for hearing thereon at a date not less than thirty days from date of filing. The state auditor shall give notice of such hearing by publication in a weekly newspaper of general circulation in the county, for three successive issues, and by posting in three public places in the town, stating therein the purpose of the petition and the date and place of hearing thereon.

**35.07.250 ———Hearing.** Any person owning property in or qualified to vote in the town may appear at the hearing and file written objections to the granting of the petition. If the court finds that the town has failed for two successive years to hold its regular municipal election or that its officers elected at a regular election have failed to qualify for two successive years thereby causing the government of the town to cease to function, it shall enter an order for disincorporation of the town.

**35.07.260 ———Alternative forms of order.** (1) If the court finds that the town has no indebtedness and no assets, the order of dissolution shall be effective forthwith.

(2) If the court finds that the town has assets, but no indebtedness or liabilities, it shall order a sale of the assets other than cash

by the sheriff in the manner provided by law for the sale of property on execution. The proceeds of the sale together with any money on hand in the treasury of the town, after deducting the costs of the proceeding and sale, shall be paid into the county treasury and placed to the credit of the school district in which the town is located.

(3) If the court finds that the town has indebtedness or liabilities and assets other than cash, it shall order the sale of the assets as provided in subsection (2) hereof and that the proceeds thereof and the cash on hand shall be applied to the payment of the indebtedness and liabilities.

(4) If the court finds that the town has indebtedness or liabilities, but no assets or that the assets are insufficient to pay the indebtedness and liabilities, it shall order the board of county commissioners to levy from year to year a tax on the taxable property within the boundaries of the former town until the indebtedness and liabilities are paid. All taxes delinquent at the date of dissolution when collected shall be applied to the payment of the indebtedness and liabilities. Any balance remaining from the collection of delinquent taxes and taxes levied under order of the court, after payment of the indebtedness and liabilities shall be placed to the credit of the school district in which the town is located.

### Chapter 35.10

#### CONSOLIDATION INCLUDING ANNEXATION OF THIRD CLASS CITY OR TOWN TO FIRST CLASS CITY

**35.10.200 Consolidation authorized—Contiguous defined.** Two or more contiguous municipal corporations may become consolidated into one corporation after proceedings had as required by this chapter. When municipal corporations are separated by water and/or tide or shore lands upon which no bona fide residence is maintained by any person, they shall be deemed contiguous for all the purposes of this chapter, and may be consolidated under the terms hereof, and upon such consolidation any such intervening water and/or tide or shore lands shall become a part of the consolidated corporation.

**35.10.210 Petition—Question submitted to vote.** The council, or other legislative body, of either of such contiguous corporations, upon receiving a petition therefor signed by not less than one-fifth of the qualified electors of such corporation, as shown by the votes cast at the last general municipal election held in such corporation, shall, within ninety days after receiving such petition, cause to be submitted to the electors of each of such corporations, at a special

election to be held for that purpose, the question whether such corporations shall become consolidated into one corporation, and, in case the existing corporations are operating under different forms of government, shall submit to said electors the question as to which of the forms then in use by the existing corporations shall be the form of government under which the new corporation shall be organized and operated: *Provided*, That in all cases wherein cities and towns of the third or fourth classes desire annexation to a city of the first class neither the question of consolidation or form of government shall be submitted to the electors of such city of the first class.

**35.10.220 Designation of election date—Notice to other corporations affected.** The legislative body receiving such petition shall designate a day upon which such special election shall be held in each of the corporations proposed to be consolidated to determine whether such consolidation shall be effected, and shall give written notice thereof to the legislative body of each of the corporations proposed to be consolidated, which notice shall designate the name of the proposed new corporation in all cases except the proposed annexation of cities or towns of the third or fourth class to a city of the first class.

**35.10.230 Duty to call election—Notice.** Upon the giving and receiving of such notice, it shall be the duty of the legislative body of each of the corporations proposed to be consolidated, except the legislative body of a city of the first class in case of the proposed annexation of cities or towns of the third or fourth class to such city of the first class, to cause to be called a special election and in addition to the election notice required by chapter 29.27 RCW to give notice of such special election by publication for four weeks prior to such election, in a legal newspaper published in such corporation, or in case no legal newspaper is published therein, then in a legal newspaper published in the county and of general circulation in such corporation. Such notice shall distinctly state the propositions to be submitted, the names of the corporations proposed to be consolidated, the name of the proposed new corporation, and the class to which such proposed new corporation will belong, and shall invite the electors to vote upon such proposition by placing a cross "X" upon their ballots after the words "For consolidation" or "Against consolidation," and, in case the question of the form of government of the proposed new corporation is submitted, to place a cross "X" upon their ballots after the words describing the forms being submitted, for example "For commission form of government" or "For councilmanic form of government."

**35.10.240 Canvass of votes—Joint convention—Abstract of vote, contents, filing.** In all cases, except the proposed annexation of cities or towns of the third or fourth classes to a city of the first class, the county canvassing board shall canvass the votes cast thereat. The votes cast in each of such corporations shall be canvassed separately, and the statement shall show the whole number of votes cast, the number of votes cast for consolidation and the number of votes cast against consolidation, in each of such corporations. In case the question of the form of government of the new corporation shall have been submitted at such election, the votes thereon shall be canvassed in like manner as the votes on consolidation, and the result of such canvass shall be included in the statement, showing the total number of votes cast in all of the corporations for each form of government submitted. A certified copy of such statement shall be filed with the legislative body of each of the corporations affected. If it shall appear upon such statement of canvass that a majority of the votes cast in each of such corporations were in favor of consolidation, the legislative bodies of each of such corporations shall meet in joint convention at the usual place of meeting of the legislative body of that one of the corporations having the largest population as shown by the last United States census, on the second Monday next succeeding the receipt of the statement of canvass to prepare an abstract of votes cast incorporating therein the information contained in the statement of canvass and declaring the consolidation adopted, and if such issue were submitted, declaring the form of government to be that form for which a majority of all the votes on that issue were cast. A duly certified copy of such abstract shall be filed with the legislative body of each of the corporations affected and recorded upon its minutes, and it shall be the duty of the clerk, or other officer performing the duties of clerk, of each of such legislative bodies, to transmit to the secretary of state a duly certified copy of the record of such abstract.

**35.10.250 Election of officers of new corporation.** Immediately after the filing of the abstract, the legislative body of that one of such corporations having the largest population, as shown by the last United States census, shall cause to be called a special election, to be held in such new corporation, for the election of the officers required by law to be elected in corporations of the class and form of government to which such new corporation belongs, which election shall be held within six months thereafter: *Provided*, That if the next regular general election of officers in cities of the class and form of government of such new corporation will be held within one year and not less than two months from the date of such consolidation election, then the officers of such new corporation shall

be elected at the said next regular election. Such regular or special election shall be called and conducted and canvassed in all respects in the manner prescribed, or that may be hereafter prescribed, by law for municipal elections in corporations of the class of such new corporation, and the results transmitted by the canvassing authority to the legislative body, who shall immediately declare the result thereof and cause the same to be entered upon its journal, and file certified copies of such result with the legislative body of each of the other corporations affected, who in like manner shall cause the same to be entered upon its journal.

**35.10.260 Effective date of consolidation—Terms of office.** From and after the date of such entry such corporations shall be deemed to be consolidated into one corporation under the name and style of "The City, (or town as the case may be) of ....." (naming it), with the powers conferred, or that may hereafter be conferred, by law, upon municipal corporations of the class to which the same shall belong, and the officers elected at such election, upon qualifying as provided by law, shall be entitled to enter immediately upon the duties of their respective offices, and shall hold such offices respectively until the next regular general election to be held in such city or town, and until their successors are elected and qualified.

**35.10.270 Annexation of third class city or town to first class city—Vote—Canvass—Census—Petition.** When the electors of any city, or town, of the third or fourth class shall vote upon the question of annexation to a city of the first class, the canvassing authority shall canvass the votes and, if it appear that a majority be in favor of annexation, the legislative body of such city or town shall, if said city of the first class is divided into wards and governed by councilmen elected from such wards respectively, forthwith cause a census to be taken by one or more competent persons, of all the inhabitants of such city or town. In such census the full name of each person shall be plainly written, and the names alphabetically arranged and regularly numbered in one complete series, and said census shall be verified before an officer authorized to administer oaths. Upon the completion of such census the legislative body of such city or town shall forthwith file a petition, together with a certified abstract of the votes so taken and canvassed and a copy of the census, if one has been taken, with the legislative body of such city of the first class, praying for annexation under the name of such city of the first class.

**35.10.280 ————Determination by first class city—Wards—Ordinance.** At the next regular meeting of the legislative body of



such city of the first class following the filing of such petition, or as soon thereafter as practicable, said legislative body shall proceed to hear such petition and abstract, and census if any, and if such legislative body deem it wise and expedient to take and annex such city or town of the third or fourth class, it shall pass an ordinance, in the manner required by law and the charter of such city, declaring such city or town annexed to said city of the first class, which ordinance, in case said city is divided into wards and governed by councilmen elected from such wards respectively and the population of said city or town annexed, as shown by said census, is sufficient to constitute one or more wards of said city of the first class, shall provide that such city or town be annexed as one or more wards according to population, and shall describe the boundaries of and assign a number, or numbers, to such ward or wards. In case the population of such annexed city or town be not sufficient to constitute a ward or wards of the city of the first class, the territory embraced in such annexed city or town shall, by said ordinance, be assigned to and become a part of the ward or wards of such city of the first class contiguous to such annexed city or town. In case said city of the first class be not divided into wards, said ordinance shall simply provide that said city or town be annexed to such city of the first class.

**35.10.290** ————**When effective—Election of councilmen—Filing.** Upon the taking effect of such ordinance of such city of the first class, such city or town of the third or fourth class shall thereupon become a part of such city of the first class under the name and style of such city and subject to its charter and all of its laws and ordinances then in force. In case such city or town shall have been annexed as a new ward or wards of such city of the first class, the legislative body thereof shall immediately cause to be called a special election to be held in such new ward or wards for the purpose of electing one councilman from each such ward, who shall hold office until the next general election of such city of the first class, and until his successor is elected and qualified: *Provided*, That if such general election will occur within six months after such annexation no special election for the election of councilmen shall be called. Such special election, if one be called, shall be called, held and conducted, and the vote cast thereat shall be canvassed and the result declared, in all respects as provided by law and the charter and ordinances of such city of the first class for holding special elections. It shall be the duty of the clerk, or other officer performing the duties of clerk, of such city of the first class, upon the taking effect of the ordinance annexing such city or town, to forthwith transmit to the secretary of state a certified copy of all

proceedings had before and by the legislative body of such city of the first class relating to such annexation.

**35.10.300 Disposition of property.** Upon the consolidation of two or more corporations, or the annexation of any city or town of the third or fourth class to a city of the first class, as provided in this chapter, the title to all property owned by, or held in trust for, such former corporation, or city or town, shall vest in such consolidated corporation, or city of the first class, as the case may be: *Provided*, That if any such former corporation, or city or town, shall be indebted, the proceeds of the sale of any such property not required for the use of such consolidated corporation, or city of the first class, shall be applied to the payment of such indebtedness, if any exist at the time of such sale.

**35.10.310 Assets and liabilities of component cities—Taxation to pay claims.** Such consolidation, or annexation, shall in no wise affect or impair the validity of claim or chose in action existing in favor of or against, any such former corporation or city or town so consolidated or annexed, or any proceeding pending in relation thereto, but such consolidated corporation, or city of the first class, as the case may be, shall collect such claims in favor of such former corporation, or cities or towns of the third or fourth classes, and shall apply the proceeds to the payment of any just claims against them respectively, and shall when necessary levy and collect taxes against the taxable property within any such former corporation, or city or town, sufficient to pay all just claims against it.

**35.10.320 Continuation of ordinances.** All ordinances in force within any such former corporation, at the time of consolidation, not in conflict with the laws governing the consolidated corporation, or with the ordinances of the former corporation having the largest population, as shown by the last United States census, and all ordinances in force within a city or town of the third or fourth class, not in conflict with the laws governing, or the charter or ordinances of, the city of the first class to which it is annexed, shall remain in full force and effect until superseded or repealed by the legislative body of the consolidated corporation, or city of the first class, as the case may be, and shall be enforced by such corporation or city, but all ordinances of such former corporations, or cities or towns of the third or fourth class, in conflict with such laws, charters or ordinances shall be deemed repealed by, and from and after, such consolidation or annexation, but nothing in this section shall be construed to discharge any person from any liability, civil or criminal, for any violation of any ordinance of such former corporation, or city or town of the third or fourth class, incurred prior to such consolidation or annexation.

**35.10.330 Taxation of component cities.** No property within either former corporation so consolidated under the provisions of this chapter, shall ever be taxed to pay any portion of any indebtedness or obligation of either of the other of such former corporations, contracted or incurred prior to the date of such consolidation; no property within any former city or town of the third or fourth class annexed to any city of the first class under the provisions of this chapter, shall ever be taxed to pay any portion of any indebtedness or obligation of such city of the first class contracted or incurred prior to the date of such annexation, and no property within such former city of the first class shall ever be taxed to pay any portion of any indebtedness or obligation of any city or town of the third or fourth class annexed to such city of the first class under the provisions of this chapter, contracted or incurred prior to the date of such annexation.

### Chapter 35.12

#### ANNEXATION OF ALL OR PART OF ANOTHER CITY OR SUBURB

**35.12.010 Procedure.** The boundaries of any municipal corporation may be altered and new territory included therein, after proceedings had as required in this section. The council or other legislative body of such corporation shall, upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors thereof, as shown by the votes cast at the last municipal election held therein, cause to be submitted to the electors of such corporation, and to the electors residing in the territory proposed by such petition to be annexed to such corporation, the question whether such territory shall be annexed to such corporation and become a part thereof. Such question shall be submitted at a special election to be held for that purpose and in addition to the election notice required by chapter 29.27 such legislative body shall give notice thereof, by publication in a newspaper printed and published in such corporation, and also in a newspaper printed and published outside of such corporation, and in the county in which such territory so proposed to be annexed is situated, in both cases for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, and shall designate specifically the boundaries of the territory so proposed to be annexed. The votes cast in such territory so proposed to be annexed shall be canvassed separately, and if it shall appear upon such canvass that a majority of all the votes cast in such territory, and a majority of all the votes cast in such corporation, shall be for annexation, the canvassing authority shall, by an order entered upon their minutes,

cause their clerk, or other officer performing the duties of clerk, to make and transmit to the municipal legislative body and to the secretary of state a certified abstract of such vote, which abstract shall show the whole number of electors voting in such territory, the whole number of electors voting in such corporation, the number of votes cast in each for annexation, and the number of votes cast in each against annexation. From and after the date of the filing of such abstract such annexation shall be deemed complete, and thereafter such territory shall be and remain a part of such corporation: *Provided*, That no property within such territory so annexed shall ever be taxed to pay any portion of any indebtedness of such corporation contracted prior to, or existing at the date of, such annexation. If the territory so proposed to be annexed consists in whole or in part of any municipal corporation or part thereof, such territory shall not be annexed under the provisions of this section: *Provided*, That such territory does not contain a population exceeding two thousand.

### Chapter 35.13

#### ANNEXATION OF UNINCORPORATED AREAS

**35.13.010 Authority for annexation—Consent of county commissioners for certain property.** Any portion of a county not incorporated as part of a city or town but lying contiguous thereto may become a part of the city or town by annexation: *Provided*, That property owned by a county, and used for the purpose of an agricultural fair as provided in chapter 15.76 or chapter 36.37 shall not be subject to annexation without the consent of the majority of the board of county commissioners. An area proposed to be annexed to a city or town shall be deemed contiguous thereto even though separated by water or tide or shore lands on which no bona fide residence is maintained by any person.

**35.13.015 Election method—Resolution for election—Contents of resolution.** In addition to the method prescribed by RCW 35.13.020 for the commencement of annexation proceedings, the legislative body of any city or town may, whenever it shall determine by resolution that the best interests and general welfare of such city or town would be served by the annexation of unincorporated territory contiguous to such city or town, file a certified copy of the resolution with the board of county commissioners of the county in which said territory is located. The resolution of the city or town initiating such election shall describe the boundaries of the area to be annexed, as nearly as may be state the number of voters residing therein, pray for the calling of an election to be held among

the qualified voters therein upon the question of annexation, and provide that said city or town will pay the cost of the annexation election. The resolution may require that there also be submitted to the electorate of the territory sought to be annexed a proposition that all property within the area annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at, the date of annexation.

**35.13.020 Election method — Petition for election — Signers—Rate of assessment in annexed area for outstanding indebtedness—Filing and approval—Costs of election.** A petition for an election to vote upon the annexation of a portion of a county to a contiguous city or town signed by qualified voters resident in the area equal in number to twenty percent of the votes cast at the last election may be filed in the office of the board of county commissioners: *Provided*, That any such petition shall first be filed with the legislative body of the city or town to which the annexation is proposed, and such legislative body shall, by resolution entered within sixty days from the date of presentation, notify the petitioners, either by mail or by publication in the same manner notice of hearing is required by RCW 35.13.040 to be published, of its approval or rejection of the proposed action. In approving the proposed action, the legislative body may require that there also be submitted to the electorate of the territory to be annexed, a proposition that all property within the area to be annexed shall, upon annexation be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at, the date of annexation. The approval of the legislative body shall be a condition precedent to the filing of such petition with the board of county commissioners as hereinafter provided. The costs of conducting such election shall be a charge against the city or town concerned.

**35.13.030 Election method—Petition for election—Content.** A petition filed with the county commissioners to call an annexation election shall particularly describe the boundaries of the area proposed to be annexed, state the number of voters residing therein as nearly as may be, state the provisions, if any there be, relating to assumption of debt by the owners of property of the area proposed to be annexed, and shall pray for the calling of an election to be held among the qualified voters therein upon the question of annexation.

**35.13.040 Election method—Hearing—Notice.** Upon the filing of approval by the review board of a petition to call an annexation election, the board of county commissioners at its next meeting shall fix a date for hearing thereon to be held not less than two weeks nor more than four weeks thereafter, of which hearing the petitioners must give notice by publication for at least two weeks prior thereto in some newspaper printed and published in the city or town to which the area is proposed to be annexed. Upon the day fixed, the board shall hear the petition, and if it complies with the requirements of law and has been approved by the review board, shall grant it. The hearing may be continued from time to time for an aggregate period not exceeding two weeks.

**35.13.050 Election method—Petition or resolution for election—Others covering same area barred from consideration, withdrawal.** After the filing with the board of county commissioners of a petition or resolution to call an annexation election, pending the hearing thereon, and pending the election to be called thereunder, the board of county commissioners shall not consider any other petition or resolution involving any portion of the territory embraced therein: *Provided*, That the petition or resolution may be withdrawn or a new petition or resolution embracing other or different boundaries substituted therefor by a majority of the signers thereof, or in the case of a resolution, by the legislative body of the city or town, and the same proceeding shall be taken as in the case of an original petition or resolution.

**35.13.060 Election method—Fixing date of election.** Upon granting the petition, the board of county commissioners shall fix a date for the annexation election, which must be not less than thirty nor more than sixty days thereafter.

**35.13.070 Election method—Conduct of election.** An annexation election shall be held in accordance with the general election laws of the state, and only registered voters who have resided in the area proposed to be annexed for ninety days immediately preceding the election shall be allowed to vote therein.

**35.13.080 Election method—Notice of election.** Notice of an annexation election shall particularly describe the boundaries of the area proposed to be annexed, state the objects of the election as prayed in the petition or as stated in the resolution and require the voters to cast ballots which shall contain the words "For annexation" and "Against annexation" or words equivalent thereto, and which in case the assumption of indebtedness is proposed, shall contain as a separate proposition, the words "For assumption of indebtedness" and "Against assumption of indebtedness" or words

equivalent thereto. The notice shall be posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed and published for at least two weeks prior to the date of election in a newspaper printed and published within the limits of the territory proposed to be annexed, or, if there is no such newspaper, in a newspaper printed and published in the city or town to which the area is proposed to be annexed, or if there is no newspaper published in the city or town, in a newspaper of general circulation in the area published and printed in the county. Such notice shall be in addition to the notice required by chapter 29.27 RCW.

**35.13.090 Election method—Canvass—Vote required for annexation—Proposition for assumption of indebtedness—Certification.** On the Monday next succeeding the annexation election, the county canvassing board shall proceed to canvass the returns thereof and shall submit the statement of canvass to the board of county commissioners.

The proposition for or against annexation shall be deemed approved if a majority of the votes cast on that proposition are cast in favor of annexation. If a proposition for or against assumption of indebtedness was submitted to the electorate, it shall be deemed approved if a majority of at least three-fifths of the electors of the territory proposed to be annexed voting on such proposition vote in favor thereof, and the number of persons voting on such proposition constitutes not less than forty percent of the total number of votes cast in such territory at the last preceding general election. If either or both propositions were approved by the electors, the board shall enter a finding to that effect on its minutes, a certified copy of which shall be forthwith transmitted to and filed with the clerk of the city or town to which annexation is proposed, together with a certified abstract of the vote showing the whole number who voted at the election, the number of votes cast for annexation and the number cast against annexation, and if a proposition for assumption of indebtedness was submitted to the electorate, the abstract shall include the number of votes cast for assumption of indebtedness and the number of votes cast against assumption of indebtedness, together with a statement of the total number of votes cast in such territory at the last preceding general election.

**35.13.100 Election method—Ordinance providing for annexation, assumption of indebtedness.** Upon filing of the certified copy of the finding of the board of county commissioners, the clerk shall transmit it to the legislative body of the city or town at the next regular meeting or as soon thereafter as practicable. If only a

proposition relating to annexation was submitted to the voters and such proposition was approved, the legislative body shall adopt an ordinance providing for the annexation. If propositions for annexation and assumption of indebtedness were both submitted, and both were approved, the legislative body shall adopt an ordinance providing for the annexation including the assumption of indebtedness. If both propositions were submitted and only the annexation proposition was approved, the legislative body may, if it deems it wise or expedient, adopt an ordinance providing for the annexation.

**35.13.110 Election method—Effective date of annexation—Assessment, taxation of territory annexed.** Upon the date fixed in the ordinance of annexation, the area annexed shall become a part of the city or town. All property within the territory hereafter annexed shall, if the proposition approved by the people so provides after June 12, 1957, be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed to pay for any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at the date of annexation.

**35.13.120 Election method is alternative.** The method of annexation provided for in RCW 35.13.020 to 35.13.110 shall be an alternative method, not superseding any other.

**35.13.125 Petition method—Commencement of proceedings—Notice to legislative body—Meeting—Assumption of indebtedness.** Proceedings for the annexation of territory pursuant to RCW 35.13.130, 35.13.140, 35.13.150, 35.13.160 and 35.13.170 shall be commenced as provided in this section. Prior to the circulation of a petition for annexation, the initiating party or parties who shall be the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, shall notify the legislative body of the city or town of their intention to commence annexation proceedings. The legislative body shall set a date, not later than sixty days after the filing of the request, for a meeting with the initiating parties to determine whether the city or town will accept the proposed annexation, and whether it shall require the assumption of existing city or town indebtedness by the area to be annexed. If the legislative body requires the assumption of indebtedness, it shall record this action in its minutes and the petition for annexation shall be so drawn as to clearly indicate this fact. There shall be no appeal from the decision of the legislative body.

**35.13.130 Petition method—Petition—Signers—Content.** A petition for annexation of an area contiguous to a city or town may



be made in writing addressed to and filed with the legislative body of the municipality to which annexation is desired. It must be signed by the owners of not less than seventy-five percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, shall set forth a description of the property according to government legal subdivisions or legal plats and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of city or town indebtedness by the area annexed, this fact, together with a quotation of the minute entry of such requirement shall be set forth in the petition.

**35.13.140 Petition method—Notice of hearing.** Whenever a petition for annexation is filed with the city or town council, or commission in those cities having a commission form of government, which meets the requirements herein specified, of which fact satisfactory proof may be required by the council or commission, the council or commission may entertain the same, fix a date for a public hearing thereon and cause notice of the hearing to be published in one issue of a newspaper of general circulation in the city or town. The notice shall also be posted in three public places within the territory proposed for annexation, and shall specify the time and place of hearing and invite interested persons to appear and voice approval or disapproval of the annexation. The expense of publication and posting of the notice shall be borne by the signers of the petition.

**35.13.150 Petition method—Ordinance providing for annexation.** Following the hearing, the council or commission shall determine by ordinance whether annexation shall be made. They may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition. Upon passage of the ordinance a certified copy shall be filed with the board of county commissioners of the county in which the annexed property is located.

**35.13.160 Petition method—Effective date of annexation—Assessment, taxation of territory annexed.** Upon the date fixed in the ordinance of annexation the area annexed shall become part of the city or town. All property within the territory hereafter annexed shall, if the annexation petition so provided, be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at, the date of annexation.

**35.13.170 Petition method is alternative.** The method of annexation provided for in RCW 35.13.130 to 35.13.160 shall be an alternative method, not superseding any other.

**35.13.171 Review board—Convening—Composition.** Within ten days after the filing of a city's or town's annexation resolution with the board of county commissioners, or within ten days after filing with the county commissioners a petition calling for an election on annexation, as provided in RCW 35.13.020, or within ten days after approval by the legislative body of a city or town of a petition of property owners calling for annexation, as provided in RCW 35.13-.130, the mayor of the city or town concerned shall convene a review board composed of the following persons:

(1) The mayor of the city initiating the annexation resolution, or an alternate designated by him;

(2) The chairman of the board of county commissioners of the county wherein the property to be annexed is situated, or an alternate designated by him;

(3) The director of the state department of commerce and economic development, or an alternate designated by him.

(4) The chairman or chairmen of the board of school directors of any or all school districts situated in whole or in part of the area to be annexed.

An additional member to be designated by a majority of the members above designated, who shall be a resident of and a property owner in the area proposed to be annexed, shall be added to the original membership and the full board thereafter convened upon call of the mayor.

**35.13.172 When review procedure may be dispensed with.** Whenever a petition is filed by either of the methods provided in RCW 35.13.020 and 35.13.130, or a resolution is adopted by the city council, as provided in RCW 35.13.015, and the area proposed for annexation is less than ten acres and less than two hundred thousand dollars in assessed valuation, the mayor of the city or town to which the area is proposed to be annexed and the chairman of the board of county commissioners and county superintendent of schools can agree by majority that a review proceeding, as provided herein, is not necessary for the protection of the interest of the various parties, in which case such review procedures shall be dispensed with.

**35.13.173 Determination by review board—Factors considered—Filing of findings.** The review board shall by majority action, within three months, determine whether the property proposed to be annexed is of such character that such annexation would be in the

public interest and for the public welfare, and in the best interest of the city, county, and other political subdivisions affected. The governing officials of the city, county, and other political subdivisions of the state shall assist the review board insofar as their offices can, and all relevant information and records shall be furnished by such offices to the review board. In making their determination the review board shall be guided, but not limited, by their findings with respect to the following factors:

(1) The immediate and prospective populations of the area to be annexed;

(2) The assessed valuation of the area to be annexed, and its relationship to population;

(3) The history of and prospects for construction of improvements in the area to be annexed;

(4) The needs and possibilities for geographical expansion of the city;

(5) The present and anticipated need for governmental services in the area proposed to be annexed, including but not limited to water supply, sewage and garbage disposal, zoning, streets and alleys, curbs, sidewalks, police and fire protection, playgrounds, parks, and other municipal services, and transportation and drainage;

(6) The relative capabilities of the city, county, and other political subdivisions to provide governmental services when the need arises;

(7) The existence of school districts and special districts within the area proposed to be annexed, and the impact of annexation upon such districts;

(8) The elimination of isolated unincorporated areas existing without adequate economical governmental services;

(9) The immediate and potential revenues that would be derived by the city as a result of annexation, and their relation to the cost of providing service to the area.

Whether the review board determines for or against annexation, its reasons therefor, along with its findings on the specified factors and other material considerations shall:

(1) In the case of a petition signed by property owners calling for an annexation without election, be filed with the legislative body of the city or town concerned;

(2) In the case of a petition signed by registered voters calling for an election on annexation, be filed with the board of county commissioners;

(3) In the case of a resolution of a city or town initiating annexation proceedings, be filed with the board of county commissioners.

Such findings need not include specific data on every point listed, but shall indicate that all factors were considered.

**35.13.174 Date for annexation election if review board's determination favorable.** Upon receipt by the board of county commissioners of a determination by a majority of the review board favoring annexation of the proposed area, the board of county commissioners shall fix a date on which an annexation election shall be held, which date will be not less than thirty days nor more than sixty days thereafter.

**35.13.175 Pending final disposition of petition no other annexation petition shall be acted upon.** After the filing of any petition for annexation with the board of county commissioners, or city or town council, and pending its final disposition as provided for in this chapter, no other petition for annexation which embraces any of the territory included therein shall be acted upon by the county auditor or the board of county commissioners, or by any city or town clerk, city or town council, or by any other public official or body that might otherwise be empowered to receive or act upon such a petition.

**35.13.180 Annexation for municipal purposes.** City and town councils of second and third class cities and towns may by a majority vote annex new territory outside the city or town limits, whether contiguous or noncontiguous for park, cemetery, or other municipal purposes.

**35.13.185 Annexation of federal areas by first class city.** Any unincorporated area contiguous to a first class city may be annexed thereto by an ordinance accepting a gift, grant, lease or cession of jurisdiction from the government of the United States of the right to occupy or control it.

**35.13.190 Annexation of federal areas by second and third class cities and towns.** Any unincorporated area contiguous to a second or third class city or town may be annexed thereto by an ordinance accepting a gift, grant, or lease from the government of the United States of the right to occupy, control, improve it or sublet it for commercial, manufacturing, or industrial purposes: *Provided*, That this shall not apply to any territory more than four miles from the corporate limits existing before such annexation.

**35.13.200 Same — Annexation ordinance — Provisions.** In the ordinance annexing territory pursuant to a gift, grant, or lease from the government of the United States, a second or third class city or town may include such tide and shore lands as may be necessary or convenient for the use thereof, may include in the ordinance an acceptance of the terms and conditions attached to the gift, grant, or lease and may provide in the ordinance for the annexed territory

to become a separate ward of the city or town or part or parts of adjacent wards.

**35.13.210 Same—Authority over annexed territory.** A second or third class city or town may cause territory annexed pursuant to a gift, grant, or lease of the government of the United States to be surveyed, subdivided and platted into lots, blocks, or tracts and lay out, reserve for public use, and improve streets, roads, alleys, slips, and other public places. It may grant or sublet any lot, block, or tract therein for commercial, manufacturing, or industrial purposes and reserve, receive and collect rents therefrom. It may expend the rents received therefrom in making and maintaining public improvements therein, and if any surplus remains at the end of any fiscal year, may transfer it to the city's or town's current expense fund.

**35.13.220 Annexation of water, sewer, and fire districts—Disposition of properties—Outstanding indebtedness.** Whenever any territory which includes all the territory of a water, sewer or fire protection district, hereinafter referred to as "the district," has been heretofore or is hereafter annexed to a city or town, all real and personal property, franchises, rights, assets, taxes levied but not collected for the district for other than indebtedness, water or sewer lines, facilities, or equipment of the district shall become the property of a city or town to which annexation is made and such city shall, in addition to its other powers, have the same power to manage, control, maintain and operate such facilities and to fix and collect charges to customers as the commissioners of the district had prior to annexation, subject, however, to any outstanding indebtedness, bonded, or otherwise, of the district or local improvement district or utility local improvement district thereof, which indebtedness a city or town may by resolution of its governing body elect to assume and pay at the times and in the manner said indebtedness is due and payable. Such election to assume said indebtedness may be made either upon the effective date of such annexation or at any time thereafter during the period such indebtedness remains outstanding. Until such election is made, the property annexed and the owners and occupants thereof shall continue liable for its and their proportion of the unpaid indebtedness and the district, or local improvement district or utility local improvement district, and its officers shall continue to function for the sole purpose of certifying the amount of property tax or assessments to be collected and paid on such indebtedness in the same manner and by the same means as if the annexation had not been made.

If a city or town elects to assume outstanding indebtedness, and property taxes or assessments have been levied for such purpose

but not collected for the district or local improvement district or utility local improvement district thereof prior to the date of such election by the city or town, the same shall when collected belong and be paid to the annexing city and be used by such city or town so far as necessary for payment as and when due of the indebtedness of the district or local improvement district or utility local improvement district existing and unpaid on the date such city or town elects to assume such indebtedness. If a city or town takes over any funds which have been collected for paying any bonded or other indebtedness of the district the same shall be used for the purpose for which collected and for no other purpose.

**35.13.243 ———Assumption of control of entire or part of water or sewer district if sixty percent or more of area or valuation is annexed or lies within city or town—Acquisition subject to obligations.** If a portion of a water or sewer district equal to at least sixty percent of the area or sixty percent of the assessed valuation of the real property included within the district is annexed to or lies within a city or town, the city or town may:

(1) Adopt an ordinance assuming the full and complete management and control of the entire district, whereupon the provisions of RCW 35.13.220 shall be operative as to such annexation; or

(2) Adopt an ordinance assuming jurisdiction of the district's responsibilities, property, facilities and equipment within the area annexed: *Provided*, That if the annexed area contains any property, facilities or equipment which, on the date of annexation, were serving any portion of the district not annexed, the city or town shall assume full ownership, management and control of such property, facilities and equipment subject to any one of the following conditions acceptable to the district and city or town concerned:

(a) The city or town shall, for the economic life of such property, facilities and equipment, make such property, facilities and equipment available for use by the district to the same extent such property, facilities and equipment served the unannexed portion of the district on the date of annexation; or

(b) The city or town shall pay to the district that proportion of the equity of the district in such property, facilities and equipment equal to the proportion the assessed valuation of all property subject to taxation situated within the area of the district not annexed bears to the total assessed valuation of all property subject to taxation situated within the district prior to annexation. For the purpose of this paragraph, assessed valuation shall be the valuation of the property as last determined by the county assessor. In determining the equity of the district for purposes of this paragraph due consideration shall be given to depreciation of the economic life of the property, facilities and equipment due to age and condition, and to

replacement costs for comparable property, facilities and equipment to serve that portion of the district not annexed; or

(c) The city or town shall, for the economic life of such property, facilities and equipment, provide for continuity of service to the unannexed portion of the district served by such property, facilities and equipment on the date of annexation.

A city or town acquiring property, facilities and equipment under the provisions of subdivision (2) of this section shall acquire such property subject to the debts and obligations of the district for which such property, facilities and equipment would have been liable if no annexation had been made; and, in such cases, the annexed property, and the owners and occupants thereof, shall continue liable for payments of its and their proportionate share of any unpaid indebtedness, bonded or otherwise, with the right on the part of the district officials to make tax levies and collect charges on such property or owners or occupants, and to enforce such collections as if the annexation had not been made.

**35.13.246 ——— Assumption of control of part of water or sewer district if less than sixty percent of the area or valuation annexed.** If the portion of a water or sewer district annexed to a city or town is less than sixty percent of the area of the district and less than sixty percent of the assessed valuation of the real property within the district, the provisions of RCW 35.13.243, except subdivision (1), as now or hereafter amended, shall apply.

**35.13.247 ——— Ownership of assets of fire protection district —When at least sixty percent of assessed valuation is annexed or incorporated in city or town.** If a portion of a fire protection district including at least sixty percent of the assessed valuation of the real property of the district is annexed to or incorporated into a city or town, ownership of all of the assets of the district shall be vested in the city or town, upon payment in cash, properties or contracts for fire protection services to the district within one year, of a percentage of the value of said assets equal to the percentage of the value of the real property in entire district remaining outside the incorporated or annexed area.

**35.13.248 ——— ——— When less than sixty percent.** If a portion of a fire protection district including less than sixty percent of the assessed value of the real property of the district is annexed to or incorporated into a city or town, the ownership of all assets of the district shall remain in the district and the district shall pay to the city or town within one year or within such period of time as the district continues to collect taxes in such incorporated or annexed areas, in cash, properties or contracts for fire protection services, a percentage of the value of said assets equal to the percentage of the

value of the real property in the entire district lying within the area so incorporated or annexed: *Provided*, That if less than five percent of the area of the district is affected, no payment shall be made to the city or town. The fire protection district shall provide fire protection to the incorporated or annexed area for such period as the district continues to collect taxes levied in such annexed or incorporated area.

**35.13.249** ———— **Outstanding indebtedness not affected.** When any portion of a fire protection district is annexed by or incorporated into a city or town, any outstanding indebtedness, bonded or otherwise, shall remain an obligation of the taxable property annexed or incorporated as if the annexation or incorporation had not occurred.

**35.13.250** ———— **City and district may contract regarding rights and obligations.** Notwithstanding any of the provisions of this chapter to the contrary, as now or hereafter amended, the city may, through its legislative authority authorize a contract with the district, with respect to rights, duties and obligations of the city and the district as to ownership of property, services, assets, liabilities and debts and any other questions arising out of the annexation, which contract may also make provisions for services by the district and use of its facilities or real estate within the city, and which contract may also provide that for such time as the contract may provide such district may continue to exercise all rights, privileges, powers and functions of such district provided by law as if there had been no annexation, including but not by way of limitation the right to levy and collect special assessments, adopt and carry out the provisions of a comprehensive plan, or amendments thereto, for a system of improvements, and issue and sell revenue and general obligation bonds.

**35.13.260** **Determining population of annexed territory—Certificate—as basis for allocation of state funds.** Whenever any territory is annexed to a city or town, a certificate as hereinafter provided shall be submitted in triplicate to the state census board within thirty days of the effective date of annexation specified in the relevant ordinance. After approval of the certificate, the board shall retain the original copy in its files, and transmit the second copy to the secretary of state, and return the third copy to the city or town. Such certificates shall be in such form and contain such information as shall be prescribed by the board. A legal description and a map showing specifically the boundaries of the annexed territory shall be attached to each of the three copies of the certificate. The certificate shall be signed by the mayor and attested by the city clerk.



Upon request, the board shall furnish certification forms to any city or town.

Whenever the effective date of annexation as specified in the relevant ordinance is between April 2nd and August 31st inclusive, in any year, and the annexation certificate is submitted as provided herein, the population of the annexed territory shall be added to the April 1st population as determined for that year by the board, and shall be used for the allocation and distribution of state funds to cities and towns commencing January 1st next following. When a certificate is submitted subsequent to the thirty-day period from the effective date of the annexation as specified in the relevant ordinance, the population of the annexed territory shall not be considered until April 1st of the following year. The resident population of the annexed territory shall be determined by, or under the direction of, the mayor of the city or town. Such population determination shall consist of an actual enumeration of the population which shall be made in accordance with practices and policies, and subject to the approval of, the board. The population shall be determined as of the effective date of annexation as specified in the relevant ordinance.

Until an annexation certificate is filed and approved as provided herein, such annexed territory shall not be considered by the board in determining the population of such city or town.

**35.13.270—Road district taxes collected in annexed territory—Disposition.** Whenever any territory is annexed to a city which is part of a road district of the county and road district taxes have been levied but not collected on any property within the annexed territory, the same shall when collected by the county treasurer be paid to the city and by the city placed in the city street fund.

**35.13.280 Cancellation, acquisition, of franchise or permit for operation of public service business in territory annexed.** The annexation by any city of any territory pursuant to those provisions of chapter 35.10 which relate to the annexation of a third class city or town to a first class city, or pursuant to the provisions of chapters 35.12 or 35.13 RCW shall cancel, as of the effective date of such annexation, any franchise or permit theretofore granted to any person, firm or corporation by the state of Washington, or by the governing body of such annexed territory, authorizing or otherwise permitting the operation of any public transportation, garbage collection and/or disposal or other similar public service business or facility within the limits of the annexed territory, but the holder of any such franchise or permit canceled pursuant to this section shall be forthwith granted by the annexing city a franchise to continue such business within the annexed territory for a term of not less

than five years from the date of issuance thereof, and the annexing city, by franchise, permit or public operation, shall not extend similar or competing services to the annexed territory except upon a proper showing of the inability or refusal of such person, firm or corporation to adequately service said annexed territory at a reasonable price: *Provided*, That the provisions of this section shall not preclude the purchase by the annexing city of said franchise, business, or facilities at an agreed or negotiated price, or from acquiring the same by condemnation upon payment of damages, including a reasonable amount for the loss of the franchise or permit. In the event that any person, firm or corporation whose franchise or permit has been canceled by the terms of this section shall suffer any measurable damages as a result of any annexation pursuant to the provisions of the laws above-mentioned, such person, firm or corporation shall have a right of action against any city causing such damages.

### Chapter 35.16

#### REDUCTION OF CITY LIMITS

**35.16.010 Petition for election.** Upon the filing of a petition praying for an election to submit the question of excluding an area described by metes and bounds or by reference to a recorded plat or government survey from the boundaries of a city or town signed by qualified voters thereof equal in number to not less than one-fifth of the number of votes cast at the last municipal election, the city or town council shall cause to be submitted the question to the voters by a special election held for that purpose. Such special election shall not be held within ninety days next preceding any general election. The petition shall set out and describe the territory to be excluded from the corporation, together with the boundaries of the said corporation as it will exist after such change is made.

**35.16.020 Notice of election.** Notice of a special corporate limit reduction election shall be published for at least four weeks prior to the election in a newspaper printed and published in the city or town. The notice shall distinctly state the proposition to be submitted, shall designate specifically the area proposed to be excluded and the boundaries of the city or town as they would be after the proposed exclusion of territory therefrom and shall require the voters to cast ballots which contain the words "For reduction of corporate limits" and "Against reduction of corporate limits" or words equivalent thereto. This notice shall be in addition to the notice required by chapter 29.27 RCW.

**35.16.030 Canvassing the returns—Abstract of vote.** On the Monday next succeeding a special corporate limit reduction election, the canvassing authority shall proceed to canvass the returns thereof and if three-fifths of the votes cast favor the reduction of the corporate limits, the council by an order entered on its minutes shall cause the clerk to make and transmit to the secretary of state a certified abstract of the vote. The abstract shall show the whole number of electors voting, the number of votes cast for reduction and the number of votes cast against reduction.

**35.16.040 Effective date of reduction.** Immediately after the filing of the abstract of votes with the secretary of state, the city or town council shall adopt an ordinance defining and fixing the corporate limits after excluding the area as determined by the election. The ordinance shall also describe the excluded territory by metes and bounds or by reference to a recorded plat or government survey and declare it no longer a part of the city or town.

**35.16.050 Recording of ordinance and plat on effective date of reduction.** Immediately upon the ordinance defining the reduced city or town limits going into effect, a certified copy thereof together with a map showing the corporate limits as altered shall be filed and recorded in the office of the county auditor of the county in which the city or town is situated, and thereupon the boundaries shall be as set forth therein.

**35.16.060 Effect of exclusion as to liability for indebtedness.** The exclusion of an area from the boundaries of a city or town shall not exempt any real property therein from taxation for the purpose of paying any indebtedness of the city or town existing at the time of its exclusion, and the interest thereon.

## Chapter 35.17

### COMMISSION FORM OF GOVERNMENT

**35.17.010 Definition of commission form.** The commission form of city government means a city government in which the legislative powers and duties are exercised by a commission of three, consisting of a mayor, a commissioner of finance and accounting, and a commissioner of streets and public improvements, and in which the executive and administrative powers and duties are distributed among the three departments as follows:

- (1) Department of public safety of which the mayor shall be the superintendent;
- (2) Department of finance and accounting of which the commissioner of finance and accounting shall be the superintendent;

(3) Department of streets and public improvements of which the commissioner of streets and public improvements shall be the superintendent.

**35.17.020 Elections—Terms of Commissioners—Vacancies.** All regular elections in cities organized under the statutory commission form of government shall be held quadrennially and, shall be held on the Tuesday following the first Monday in November in the odd-numbered years, except as provided in RCW 29.13.020 and 29.13.030. The commissioners shall be nominated and elected at large. Their terms shall be for four years until their successors are elected and qualified. If a vacancy occurs in the commission the remaining members shall appoint a person to fill it for the unexpired term.

**35.17.030 Laws applicable.** Cities organized under the commission form have all the powers of cities of the second class and shall be governed by the statutes applicable to cities of that class to the extent to which they are appropriate and not in conflict with provisions specifically applicable to cities organized under the commission form.

**35.17.040 Offices.** The commission shall have and maintain an office at the city hall, or such other place as the city may provide.

**35.17.050 Meetings.** Regular meetings of the commission shall be held on the second Monday after the election of the commissioners and thereafter at least once each week on a day to be fixed by ordinance. Special meetings may be called by the mayor or two commissioners. All meetings of the commission shall be open to the public.

**35.17.060 President.** The mayor shall be president of the commission. He shall preside at its meetings when present and shall oversee all departments and recommend to the commission, action on all matters requiring attention in any department.

**35.17.070 Vice President.** The commissioner of finance and accounting shall be vice president of the commission. In the absence or inability of the mayor, he shall perform the duties of president.

**35.17.080 Employees of commission.** The commission shall appoint by a majority vote a city clerk and such other officers and employees as the commission may by ordinance provide. Any officer or employee appointed by the commission may be discharged at any time by vote of a majority of the members of the commission. Any commissioner may perform any duties pertaining to his department but without additional compensation therefor.

**35.17.090 Distribution of powers—Assignment of duties.** The commission by ordinance shall determine what powers and duties

are to be performed in each department, shall prescribe the powers and duties of the various officers and employees and make such rules and regulations for the efficient and economical conduct of the business of the city as it may deem necessary and proper. The commission may assign particular officers and employees to one or more departments and may require an officer or employee to perform duties in two or more departments.

**35.17.100 Bonds of commissioners and employees.** Every member of the city commission, before qualifying, shall give a good and sufficient bond to the city in a sum equivalent to five times the amount of his annual salary, conditioned for the faithful performance of the duties of his office. The bonds must be approved by a judge of the superior court for the county in which the city is located and filed with the clerk thereof. The commission, by resolution, may require any of its appointees to give bond to be fixed and approved by the commission and filed with the mayor.

**35.17.105 Clerk may take acknowledgments.** The clerk or deputy clerk of any city having a commission form of government shall, without charge, take acknowledgments and administer oaths required by law on all claims and demands against the city.

**35.17.110 Salaries of commissioners—In general.** In cities having a population of two thousand five hundred, and less than forty-five hundred, the annual salary of the mayor shall be five hundred dollars and that of each of the commissioners two hundred fifty dollars.

In cities having a population of forty-five hundred and less than seven thousand, the annual salary of the mayor shall be fifteen hundred dollars, and that of each of the commissioners twelve hundred dollars.

In cities having a population of seven thousand and less than fourteen thousand the annual salary of the mayor shall be two thousand dollars, and that of each of the commissioners eighteen hundred dollars except as otherwise provided in RCW 35.17.115.

In cities having a population of fourteen thousand and less than twenty thousand, the annual salary of the mayor shall be three thousand two hundred dollars and that of each of the commissioners, two thousand seven hundred dollars.

In cities having a population of twenty thousand and less than thirty thousand the annual salary of the mayor may be any amount up to six thousand dollars and that of each of the commissioners may be any amount up to five thousand five hundred dollars.

The salaries of the mayor and the commissioners shall be payable on a monthly basis.

**35.17.115 Salaries of commissioners in certain cities operating public utilities.** In cities having a population of seven thousand and

less than fourteen thousand and operating public utilities having a gross annual income of three hundred thousand dollars, the annual salary of the mayor shall be two thousand five hundred dollars, the annual salary of the commissioner of finance and accounting shall be three thousand dollars, and the annual salary of the commissioner of public works shall be two thousand five hundred dollars.

The salaries of the mayor and the commissioners shall be payable on a monthly basis.

**35.17.120 Officers and employees—Salaries and wages.** All appointive officers and employees shall receive such compensation as the commission shall fix by ordinance, payable monthly or at such shorter periods as the commission may determine.

**35.17.130 Officers and employees—Creation—Removal—Changes in compensation.** The commission shall have power from time to time to create, fill and discontinue offices and employments other than those herein prescribed, according to their judgment of the needs of the city; and may, by majority vote of all the members, remove any such officer or employees, except as otherwise provided for in this chapter; and may by resolution, or otherwise, prescribe, limit or change the compensation of such officers or employees.

**35.17.150 Officers and employees—Passes, free services prohibited, exceptions—Penalty.** No officer or employee, elected or appointed, shall receive from any enterprise operating under a public franchise any frank, free ticket, or free service or receive any service upon terms more favorable than are granted to the public generally: *Provided*, That the provisions of this section shall not apply to free transportation furnished to policemen and firemen in uniform nor to free service to city officials provided for in the franchise itself.

Any violation of the provisions of this section shall be a misdemeanor.

**35.17.160 Officers and employees—Political activity forbidden.** Any appointive officer or employee of the city who in any manner exerts his influence to induce other officers or employees of the city to favor any particular candidate for any city office or who contributes anything in any way to any person for election purposes shall be discharged by the commission.

**35.17.170 Financial statements—Monthly—Annual.** The commission shall each month print in pamphlet form a detailed itemized statement of all receipts and expenses of the city and a summary of its proceedings during the preceding month and furnish copies thereof to the state library, the city library, the newspapers of the city, and to persons who apply therefor at the office of the

city clerk. At the end of each year the commission shall cause a complete examination of all the books and accounts of the city to be made by competent accountants and shall publish the result of such examination to be made in the manner above provided for publication of statements of monthly expenditures.

**35.17.180 Legislative power—How exercised.** Each member of the commission shall have the right to vote on all questions coming before the commission. Two members of the commission shall constitute a quorum and the affirmative vote of at least two members shall be necessary to adopt any motion, resolution, ordinance, or course of action.

Every measure shall be reduced to writing and read before the vote is taken and upon every vote the yeas and nays shall be called and recorded.

**35.17.190 Legislative ordinances and resolutions.** Every resolution and ordinance adopted by the commission shall be signed by the mayor or by two members of the commission and filed and recorded within five days of its passage. The mayor shall have no veto power.

**35.17.200 Legislative—Appropriations of money.** No money shall be appropriated except by ordinance and every such ordinance complete in the form in which it is finally passed shall remain on file with the city clerk for public inspection at least one week before final passage.

**35.17.210 Legislative—Street improvements.** Every ordinance or resolution ordering any street improvement or sewer complete in the form in which it is finally passed shall remain on file with the city clerk for public inspection at least one week before final passage.

**35.17.220 Legislative—Franchises—Referendum.** No franchise or right to occupy or use the streets, highways, bridges, or other public places shall be granted, renewed, or extended except by ordinance and every such ordinance complete in the form in which it is finally passed shall remain on file with the city clerk for at least one week before final passage and if the franchise or grant is for interurban or street railways, gas or water works, electric light or power plants, heating plants, telegraph or telephone systems or other public service utilities, the ordinance must be submitted to a vote of the people at a general or special election and approved by a majority of those voting thereon.

**35.17.230 Legislative—Ordinances—Time of going into effect.** Ordinances shall not go into effect before thirty days from the

time of final passage and are subject to referendum during the interim except:

- (1) Ordinances initiated by petition;
- (2) Ordinances necessary for immediate preservation of public peace, health, and safety which contain a statement of urgency and are passed by unanimous vote of all the commissioners;
- (3) Ordinances providing for local improvement districts.

**35.17.240 Legislative—Referendum—Filing suspends ordinance.** Upon the filing of a referendum petition praying therefor, the commission shall reconsider an ordinance subject to referendum and upon reconsideration shall defeat it in its entirety or shall submit it to a vote of the people. The operation of an ordinance so protested against shall be suspended until the referendum petition is finally found insufficient or until the ordinance protested against has received a majority of the votes cast thereon at the election.

**35.17.250 Legislative—Referendum—Petitions and conduct of elections.** All provisions applicable to the character, form, and number of signatures required for an initiative petition, to the examination and certification thereof, and to the submission to the vote of the people of the ordinance proposed thereby, shall apply to a referendum petition and to the ordinance sought to be defeated thereby.

**35.17.260 Legislative—Ordinances by initiative petition.** Ordinances may be initiated by petition of electors of the city filed with the commission. If the petition accompanying the proposed ordinance is signed by registered voters in the city equal in number to twenty-five percent of the votes cast for all candidates for mayor at the last preceding city election, and if it contains a request that, unless passed by the commission, the ordinance be submitted to a vote of the people, the commission shall either:

- (1) Pass the proposed ordinance without alteration within twenty days after the city clerk's certificate that the number of signatures on the petition are sufficient; or
- (2) Immediately after the clerk's certificate of sufficiency is attached to the petition, cause to be called a special election to be held not less than thirty nor more than sixty days thereafter, for submission of the proposed ordinance without alteration, to a vote of the people unless a general election will occur within ninety days, in which event submission must be made thereat.

**35.17.270 Legislative—Initiative petition—Requirements.** Every signer to a petition submitting a proposed ordinance to the commission shall add to his signature his place of residence giving street and number. The signatures need not all be appended to one paper,



but one of the signers on each paper must attach thereto an affidavit stating the number of signatures thereon, that each signature thereon is a genuine signature of the person whose name it purports to be and that the statements therein made are true as he believes.

**35.17.280 Legislative—Initiative petition—Checking by clerk.** Within ten days from the filing of a petition submitting a proposed ordinance the city clerk shall ascertain and append to the petition his certificate stating whether or not it is signed by a sufficient number of registered voters, using the registration records and returns of the preceding municipal election for his sources of information, and the commission shall allow him extra help for that purpose, if necessary. If the signatures are found by the clerk to be insufficient the petition may be amended in that respect within ten days from the date of the certificate. Within ten days after submission of the amended petition the clerk shall make an examination thereof and append his certificate thereto in the same manner as before. If the second certificate shall also show the number of signatures to be insufficient, the petition shall be returned to the person filing it.

**35.17.290 Legislative—Initiative petition—Appeal to court.** If the clerk finds the petition insufficient or if the commission refuses either to pass an initiative ordinance or order an election thereon, any taxpayer may commence an action in the superior court against the city and procure a decree ordering an election to be held in the city for the purpose of voting upon the proposed ordinance if the court finds the petition to be sufficient.

**35.17.300 Legislative—Initiative—Conduct of election.** Publication of notice, the election, the canvass of the returns and declaration of the results, shall be conducted in all respects as are other city elections. Any number of proposed ordinances may be voted on at the same election, but there shall not be more than one special election for that purpose during any one six-months period.

**35.17.310 Legislative—Initiative—Notice of election.** The city clerk shall cause any ordinance or proposition required to be submitted to the voters at an election to be published once in each of the daily newspapers in the city not less than five nor more than twenty days before the election, or if no daily newspaper is published in the city, publication shall be made in each of the weekly newspapers published therein. This publication shall be in addition to the notice required in chapter 29.27 RCW.

**35.17.320 Legislative—Initiative—Ballots.** The ballots used for voting upon a proposed ordinance shall be similar to those used at a general municipal election in that city and shall contain the words

“for the ordinance” (stating the nature of the proposed ordinance) and “against the ordinance” (stating the nature of the proposed ordinance).

**35.17.330 Legislative—Initiative—Effective date—Record.** If the number of votes cast thereon favor the proposed ordinance, it shall become effective immediately and shall be made a part of the record of ordinances of the city.

**35.17.340 Legislative—Initiative—Repeal or amendment.** Upon the adoption of an ordinance initiated by petition, the city clerk shall write on the margin of the record thereof “ordinance by petition No. ....,” or “ordinance by vote of the people,” and it cannot be repealed or amended except by a vote of the people.

**35.17.350 Legislative — Initiative — Repeal or amendment — Method.** The commission may by means of an ordinance submit a proposition for the repeal or amendment of an ordinance, initiated by petition, by submitting it to a vote of the people at any general election and if a majority of the votes cast upon the proposition favor it, the ordinance shall be repealed or amended accordingly.

A proposition of repeal or amendment must be published before the election thereon as is an ordinance initiated by petition when submitted to election.

**35.17.360 Legislative—Initiative—Repeal or amendment—Record.** Upon the adoption of a proposition to repeal or amend an ordinance initiated by petition, the city clerk shall write upon the margin of the record of the ordinance “repealed (or amended) by ordinance No. ....,” or “repealed (or amended) by vote of the people.”

**35.17.370 Organization on commission form—Eligibility—Census.** Any city having a population of two thousand and less than thirty thousand may organize as a city under the commission form of government. The requisite population shall be determined by the last preceding state or federal census or the council may cause a census to be taken by one or more suitable persons, in which the full name of each person in the city shall be plainly written, the names alphabetically arranged and regularly numbered in a complete series, verified before an officer authorized to administer oaths and filed with the city clerk.

**35.17.380 Organization—Petition.** Upon petition of electors in any city equal in number to twenty-five percent of the votes cast for all candidates for mayor at the last preceding city election therein, the mayor by proclamation shall cause to be submitted the question of organizing the city under the commission form of gov-

ernment at a special election at a time specified therein and within sixty days after the filing of the petition. If the plan is not adopted at the special election called, it shall not be resubmitted to the voters of the city for adoption within two years thereafter.

**35.17.390 Organization—Ballots.** The proposition on the ballot shall be: "Shall the proposition to organize the city of (name of city) under the commission form of government be adopted?" followed by the words: "For organization as a city under commission form" and "against organization as a city under commission form." The election shall be conducted, the vote canvassed, and the result declared in the same manner as provided by law in respect to other city elections. If a majority of the votes cast are in favor thereof the city shall proceed to elect a mayor and two commissioners.

**35.17.400 Organization—Election of new officers—Term.** The first election of commissioners shall be held within sixty days after the adoption of the proposition to organize under the commission form, and the commission first elected shall commence to serve as soon as they have been elected and have qualified and shall continue to serve until their successors have been elected and qualified.

**35.17.410 Organization — Effect on ordinances — Boundaries — Property.** All bylaws, ordinances and resolutions in force when a city organizes under the commission form shall remain in force until amended or repealed.

The boundaries of a city reorganized under the commission form shall not be changed thereby.

All rights and property vested in the city before reorganization under the commission form shall vest in the city as reorganized and no right or liability either in favor of or against it, existing at the time and no suit or prosecution shall be affected by the change.

**35.17.420 Organization—Revision of appropriations.** If, at the beginning of the term of office of the first commission elected in a city organized under the commission form, the appropriations for the expenditures of the city for the current fiscal year have been made, the commission, by ordinance, may revise them.

**35.17.430 Abandonment of commission form.** Any city which has operated under the commission form for more than six years may again reorganize as a noncommission city of the highest class for which its population qualifies it.

**35.17.440 Abandonment—Method.** Upon the filing of a petition praying therefor, signed by not less than twenty-five percent of the registered voters resident in the city, a special election shall be called at which the following proposition only shall be submitted:

“Shall the city of (name of city) abandon its organization as a city under the commission form and become a city under the general laws governing cities of like population?”

**35.17.450 Abandonment—Conduct of election—Canvass.** The sufficiency of the petition for the abandonment of the commission form of city government shall be determined, the election ordered and conducted, the returns canvassed and the results declared as required by the provisions applicable to the proceedings for the enactment of an ordinance by initiative petition to the extent to which they are appropriate.

**35.17.460 Abandonment—Effect.** If a majority of the votes cast upon the proposition of abandoning the commission form of city government favor the proposition, the city shall be reorganized under general laws immediately upon the first election of city officers, which shall be held on the date of the next general city election of cities of its class. The change in form of government shall not affect the property, rights, or liabilities of the city.

## Chapter 35.18

### COUNCIL-MANAGER PLAN

**35.18.010 The council-manager plan.** Under the council-manager plan of city government, the councilmen shall be the only elective officials. The council shall appoint an officer whose title shall be “city manager” who shall be the chief executive officer and head of the administrative branch of city or town government. The city manager shall be responsible to the council for the proper administration of all affairs of the city or town.

**35.18.020 Number of councilmen—Terms—Vacancies.** The number of councilmen shall be in proportion to the population of the city or town indicated in its petition for incorporation and thereafter shall be in proportion to its population as last determined by the state census board as follows:

(1) A city or town having not more than two thousand inhabitants, five councilmen;

(2) A city having more than two thousand, seven councilmen.

All councilmen shall be elected at large or from such wards or districts as may be established by ordinance, and shall serve for a term of four years and until their successors are elected and qualified: *Provided, however,* That at the first election, the following shall apply:

(a) At the first election, one councilman shall be nominated and elected from each ward or such other existing district of said city

as may have been established for the election of members of the legislative body of the city and the remaining councilmen shall be elected at large; but if there are no such wards or districts in the city, or at an initial election for the incorporation of a community, the councilmen shall be elected at large.

(b) In cities electing five councilmen, the candidates having the three highest number of votes shall be elected for a four year term and the other two for a two year term and until their successors are elected and qualified.

(c) In cities electing seven councilmen, the candidates having the four highest number of votes shall be elected for a four year term and the other three for a two year term and until their successors are elected and qualified.

(d) In determining the candidates receiving the highest number of votes, only the candidate receiving the highest number of votes in each ward, as well as the councilman-at-large or councilmen-at-large, are to be considered. When a municipality has qualified for an increase in the number of councilmen from five to seven by virtue of the next succeeding state census board population determination after the majority of the voters thereof have approved operation under the council-manager plan, at the first election when two additional councilmen are to be elected, one of the two additional councilmen receiving the highest number of votes shall be elected for a four year term and the other additional councilman shall be elected for a two year term.

If a vacancy in the council occurs, the remaining members shall appoint a person to fill such office only until the next regular general municipal election at which a person shall be elected to serve for the remainder of the unexpired term.

In the event such population determination as provided in this section requires an increase in the number of councilmen, the city or town council shall fill the additional councilmanic positions by appointment not later than thirty days following the release of said population determination, and the appointee shall hold office only until the next regular city or town election at which a person shall be elected to serve for the remainder of the unexpired term: *Provided*, That should said population determination result in a decrease in the number of councilmen, said decrease shall not take effect until the next regular city or town election.

**35.18.030 Laws applicable to council-manager cities—Civil service.** A city or town organized under the council-manager plan shall have all the powers which cities of its class have and shall be governed by the statutes applicable to such cities to the extent to which they are appropriate and not in conflict with the provisions specifically applicable to cities organized under the council-manager plan.

Any city adopting a council-manager form of government may adopt any system of civil service which would be available to it under any other form of city government. Any state law relative to civil service in cities of the class of a city under the council-manager type of government shall be applicable thereto.

**35.18.040 City manager—Qualifications.** The city manager need not be a resident. He shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office. No person elected to membership on the council shall be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he was elected.

**35.18.050 City manager—Bond and oath.** Before entering upon the duties of his office the city manager shall take the official oath for the support of the government and the faithful performance of his duties and shall execute and file with the clerk of the council a bond in favor of the city or town in such sum as may be fixed by the council.

**35.18.060 City manager—Authority.** The powers and duties of the city manager shall be:

(1) To have general supervision over the administrative affairs of the municipality;

(2) To appoint and remove at any time all department heads, officers, and employees of the city or town, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: *Provided*, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of the city planning commission, and other advisory citizens' committees, commissions and boards advisory to the city council: *Provided further*, That the city manager shall appoint the police judge, subject to confirmation by the council. The council may cause an audit to be made of any department or office of the city or town government and may select the persons to make it, without the advice or consent of the city manager;

(3) To attend all meetings of the council at which his attendance may be required by that body;

(4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;

(5) To recommend for adoption by the council such measures as he may deem necessary or expedient;

(6) To prepare and submit to the council such reports as may

be required by that body or as he may deem it advisable to submit;

(7) To keep the council fully advised of the financial condition of the city or town and its future needs;

(8) To prepare and submit to the council a tentative budget for the fiscal year;

(9) To perform such other duties as the council may determine by ordinance or resolution.

**35.18.070 City manager—May serve two or more cities.** Whether the city manager shall devote his full time to the affairs of one city or town shall be determined by the council. A city manager may serve two or more cities or towns in that capacity at the same time.

**35.18.080 City manager—Creation of departments.** On recommendation of the city manager, the council may create such departments, offices and employments as may be found necessary and may determine the powers and duties of each department or office.

**35.18.090 City manager—Department heads—Authority.** The city manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the city manager, or by the head of a department or office, except one who holds his position subject to civil service, may be removed by the manager or other such appointing officer at any time. Subject to the provisions of RCW 35.18.060, the decision of the manager or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body, or court whatsoever.

**35.18.100 City manager—Appointment of subordinates—Qualifications—Terms.** Appointments made by or under the authority of the city manager shall be on the basis of executive and administrative ability and of the training and experience of the appointees in the work which they are to perform. Residence within the city or town shall not be a requirement. All such appointments shall be without definite term.

**35.18.110 City manager — Interference by council members.** Neither the council, nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately: *Provided, however,* That nothing herein shall be con-

strued to prohibit the council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.

**35.18.120 City manager—Removal—Resolution and notice.** The city manager shall be appointed for an indefinite term and may be removed by a majority vote of the council.

At least thirty days before the effective date of his removal, the city manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the city council stating the council's intention to remove him and the reasons therefor. Upon passage of the resolution stating the council's intention to remove the manager, the council by a similar vote may suspend him from duty, but his pay shall continue until his removal becomes effective.

**35.18.130 City manager—Removal—Reply and hearing.** The city manager may, within thirty days from the date of service upon him of a copy thereof, reply in writing to the resolution stating the council's intention to remove him. In the event no reply is timely filed, the resolution shall upon the thirty-first day from the date of such service, constitute the final resolution removing the manager, and his services shall terminate upon that day. If a reply shall be timely filed with its clerk, the council shall fix a time for a public hearing upon the question of the manager's removal and a final resolution removing the manager shall not be adopted until a public hearing has been had. The action of the council in removing the manager shall be final.

**35.18.140 City manager—Substitute.** The council may designate a qualified administrative officer of the city or town to perform the duties of manager:

- (1) Upon the adoption of the council-manager plan, pending the selection and appointment of a manager; or
- (2) Upon the termination of the services of a manager, pending the selection and appointment of a new manager; or
- (3) During the absence, disability, or suspension of the manager.

**35.18.150 Council—Eligibility.** Only a qualified elector of the city or town may be a member of the council and upon ceasing to be such, or upon being convicted of a crime involving moral turpitude, or of violating the provisions of RCW 35.18.110, he shall immediately forfeit his office.

**35.18.160 Council—Authority.** The council shall have all of the powers which inhere in the city or town not reserved to the people



or vested in the city manager, including but not restricted to the authority to adopt ordinances and resolutions.

**35.18.170 Council meetings.** The council shall meet at the times and places fixed by ordinance but must hold at least one regular meeting each month. The clerk shall call special meetings of the council upon request of the mayor or any two members. At all meetings of the city council, a majority of the councilmen shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. Requests for special meetings shall state the subject to be considered and no other subject shall be considered at a special meeting.

All meetings of the council and of committees thereof shall be open to the public and the rules of the council shall provide that citizens of the city or town shall have a reasonable opportunity to be heard at any meetings in regard to any matter being considered thereat.

**35.18.180 Council—Ordinances—Recording.** No ordinance, resolution, or order, including those granting a franchise or valuable privilege, shall have any validity or effect unless passed by the affirmative vote of at least a majority of the members of the city or town council. Every ordinance or resolution adopted shall be signed by the mayor or two members, filed with the clerk within two days and by him recorded.

**35.18.190 Mayor—Election.** Biennially at the first meeting of the new council the members thereof shall choose a chairman from among their number who shall have the title of mayor. In addition to the powers conferred upon him as mayor, he shall continue to have all the rights, privileges and immunities of a member of the council.

**35.18.200 Mayor—Duties.** The mayor shall preside at meetings of the council, and be recognized as the head of the city or town for all ceremonial purposes and by the governor for purposes of military law.

He shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by the council, shall take command of the police, maintain law, and enforce order.

**35.18.210 Mayor pro tempore.** If a vacancy occurs in the office of mayor, or in case of the incumbent's absence or disability, a mayor pro tempore selected by the members of the council from among their number shall act as mayor for the unexpired term or during the continuance of the absence or disability.

**35.18.220 Salaries.** Each member of the council shall receive such compensation as may be provided by law to cities of the class to which it belongs. The city manager and other officers or assistants shall receive such salary or compensation as the council shall fix by ordinance and shall be payable at such times as the council may determine.

**35.18.230 Organization on council-manager plan—Eligibility.** Any city or town having a population of less than thirty thousand may be organized as a council-manager city or town under this chapter.

**35.18.240 Organization—Petition.** Petitions to reorganize a city or town on the council-manager plan must be signed by registered voters resident therein equal in number to at least twenty percent of the votes cast for all candidates for mayor at the last preceding municipal election. In addition to the signature and residence addresses of the petitioners thereon, a petition must contain an affidavit stating the number of signers thereon at the time the affidavit is made.

Petitions containing the required number of signatures shall be accepted by the city or town clerk as prima facie valid until their invalidity has been proved.

A variation on such petitions between the signatures on the petition and that on the voter's permanent registration caused by the substitution of initials instead of the first or middle names or both shall not invalidate the signature on the petition if the surname and handwriting are the same. Signatures, including the original, of any voter who has signed such petitions two or more times shall be stricken.

**35.18.250 Organization—Election procedure.** Upon the filing of a petition for the adoption of the council-manager plan of government, or upon resolution of the council to that effect, the mayor, only after the petition has been found to be valid, by proclamation issued within ten days after the filing of the petition or the resolution with the clerk, shall cause the question to be submitted at a special election to be held at a time specified in the proclamation, which shall be as soon as possible after the sufficiency of the petition has been determined or after the said resolution of the council has been enacted, but in no event shall said special election be held during the ninety day period immediately preceding any regular municipal election therein. All acts necessary to hold this election, including legal notice, jurisdiction and canvassing of returns, shall be conducted in accordance with existing law.

**35.18.260 Organization—Ballots.** At the election for organization on the council-manager plan, the proposition on the ballots

shall be: "Shall the city (or town) of \_\_\_\_\_ adopt the council-manager plan of municipal government?" followed by the words:

"For organization as a council-manager city or town \_\_\_\_\_."

"Against organization as a council-manager city or town \_\_\_\_\_."

The election shall be conducted, the vote canvassed and the results declared in the same manner as provided by law in respect to other municipal elections.

**35.18.270 Organization—Election of council, procedure.** If the majority of the votes cast at a special election for organization on the council-manager plan favor the plan, the city or town at its next regular election shall elect the council required under the council-manager plan in number according to the population of the municipality: *Provided*, That if the date of the next municipal general election is more than one year from the date of the election approving the council-manager plan, a special election shall be held to elect the councilmen; the newly elected councilmen shall assume office immediately following the canvass of votes as certified and shall remain in office until their successors are elected and qualified. Councilmen shall take office at the time provided by general law. Declarations of candidacy for city or town elective positions under the council-manager plan for cities and towns shall be filed with the city or town clerk as the case may be not more than forty-five nor less than thirty days prior to said special election to elect the members of the city council. Any candidate may file a written declaration of withdrawal at any time within five days after the last day for filing a declaration of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in group under the designation of the title of the offices for which they are candidates. There shall be no rotation of names.

**35.18.280 Organization—Holding over by incumbent officials and employees.** Councilmen shall take office at the times provided by RCW 35.18.270 as now or hereafter amended. The other city officials and employees who are incumbent at the time the council-manager plan takes effect shall hold office until their successors have been selected in accordance with the provisions of this chapter.

**35.18.285 Organization—First council may revise budget.** If, at the beginning of the term of office of the first council elected in a city organized under the council-manager plan, the appropriations for the expenditures of the city for the current fiscal year have been made, the council, by ordinance, may revise them but may not exceed the total appropriations for expenditures already specified in the budget for the year.

**35.18.290 Abandonment of council-manager plan.** Any city or town which has operated under the council-manager plan for more than six years may abandon such organization and accept the provisions of the general laws then applicable to municipalities of the highest class for which its population qualifies it, upon the petition of not less than twenty percent of the registered voters therein.

**35.18.300 Abandonment—Method.** The sufficiency of the petition for abandonment of the council-manager form of government shall be determined, the election ordered and conducted, and the results declared generally as provided for the procedure for reorganizing under the council-manager plan so far as those provisions are applicable.

**35.18.310 Abandonment—Special election necessary.** The proposition to abandon the council-manager plan must be voted on at a special election called for that purpose at which the only proposition to be voted on shall be: "Shall the city (or town) of ..... abandon its organization under the council-manager plan and become a city (or town) under the general law governing cities (or towns) of ..... class?"

**35.18.320 Abandonment—Effect.** If a majority of votes cast at the special election favor the abandonment of the council-manager form of government, the officers elected at the next succeeding biennial election shall be those then prescribed for cities or towns of like class. Upon the qualification of such officers, the municipality shall again become organized under the general laws of the state, but such change shall not affect in any manner or degree the property, rights, or liabilities of the corporation but shall merely extend to such change in its form of government.

## Chapter 35.20

### MUNICIPAL COURTS—CITIES OVER FIVE HUNDRED THOUSAND

**35.20.010 Municipal court established.** There is hereby created and established in each incorporated city of this state having a population of more than five hundred thousand inhabitants, as shown by the federal or state census, which ever is the later, a municipal court, which shall be styled "The Municipal Court of ..... (name of city)," hereinafter designated and referred to as the municipal court, which court shall have jurisdiction and shall exercise all the powers by this chapter declared to be vested in such municipal court, together with such powers and jurisdiction as is generally conferred in this state either by common law or statute.

**35.20.020 Sessions—Judges may act as magistrates—Night court.** The municipal court shall be always open except on nonjudicial days. It shall hold regular and special sessions at such times as may be prescribed by the judges thereof. The judges shall have the power to act as magistrates in accordance with the provisions of chapter 10.16. The legislative body of the city may by ordinance authorize a department of the municipal court to act as a night court, and shall appropriate the necessary funds therefor.

**35.20.030 Jurisdiction—Review—Costs.** The municipal court shall have exclusive original jurisdiction to try violations of all city ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith: *Provided*, That for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than a fine of five hundred dollars or imprisonment in the city jail not to exceed six months, or both such fine and imprisonment. All civil and criminal proceedings in municipal court, and judgments rendered therein, shall be subject to review in the superior court by writ of review or on appeal. Costs in civil and criminal cases may be taxed as provided in justice of the peace courts.

**35.20.040 Appeals to superior court—Procedure.** Appeals in actions brought under RCW 35.20.030 shall be taken to the superior court in and for the county wherein the municipal court is situated by oral notice in open court at the time judgment is rendered, or by serving a copy of a written notice of appeal upon the attorney for the opposing party and filing the original thereof, together with acknowledgment or affidavit of such service, with the clerk of the municipal court within ten days after the judgment shall have been pronounced. After notice appellant shall diligently prosecute the appeal, and within ten days of the notice of appeal shall file with the clerk of the municipal court an appeal bond or cash in such amount as may be fixed by the court conditioned as provided in RCW 35.20.060. Within a period of thirty days from the date of entry of the judgment by the judge, the clerk of the municipal court shall file with the clerk of the superior court a transcript duly certified by the judge hearing the case, which shall contain a copy of all written pleadings and docket entries of the municipal court, and shall also deliver to said court any exhibits introduced in evidence in the trial in the municipal court, which exhibits may be offered in evidence if a trial is had in the superior court; otherwise to be returned to the custody of the municipal court. No charge

shall be made for the transcript. The appellant shall note the case for trial in the superior court not later than ten days from the expiration date for the clerk to file the transcript with the clerk of the superior court.

**35.20.050 Criminal appeals—Commitment to city jail—Recognition bond.** In criminal actions wherein the appellant has been committed to the city jail, he shall remain committed until he shall recognize or give bond to the city in such reasonable sum and with such sureties as provided in RCW 35.20.040.

**35.20.060 Dismissal of appeal.** Failure to proceed with the appeal within the time and in the manner herein provided shall render the appeal ineffectual for any purpose. Upon dismissal of the appeal for failure of appellant to proceed diligently in the manner herein prescribed or for any other cause, the judgment of the municipal court shall be enforced by the municipal court. If, at the time of such dismissal, a cash deposit or appeal bond has been furnished and shall be in the custody of the clerk of the superior court, the cash deposit or bond shall be returned to the municipal court, together with the order of dismissal and such original files and exhibits as may have been forwarded by the municipal court. The municipal court is empowered to forfeit the cash bail or bond and to issue execution thereon for the breach of any condition thereof.

**35.20.070 Trial in superior court—Costs—Further appeal.** In the superior court the trial shall be de novo, subject, however, to the right of the city to file an amended complaint therein in criminal cases. If the defendant be convicted in the superior court, he shall be sentenced anew by the superior court judge to pay a fine of not to exceed five hundred dollars or to imprisonment in the city jail for not to exceed six months, or both such fine and imprisonment. Neither the appellant nor the respondent shall be required to pay in advance any fee for filing or prosecuting the appeal in a criminal case, but if the appellant is convicted he may be required, as a part of the sentence, to pay the costs of prosecution which shall be taxed in the amount and manner of costs in criminal prosecutions in the superior court, in addition to the costs taxed in the municipal court. If the appellant be acquitted, he shall have judgment against the city for his costs to be fixed and taxed in the same manner. From judgment of the superior court appeal shall lie to the supreme court as in other superior court actions.

**35.20.080 Transfer of causes upon effective date of chapter.** All cases, proceedings and matters now pending before justices of the peace who immediately prior to the effective date of this chapter

were acting as municipal judges in first class cities of over five hundred thousand population, shall upon the effective date hereof (June 8, 1955) be transferred to the municipal court, together with all files, records and proceedings relating to such cases, and shall be disposed of therein in due course of law. This chapter shall not affect any appeal from any police justice or municipal judge, commenced and pending prior to its effective date, but such appeal shall be conducted and concluded as if this chapter had not been enacted, except that if remanded from the superior court the municipal court shall have authority and power to forfeit bail or bond or impose sentence thereon.

**35.20.090 Trial by jury—Juror's fees.** In all civil cases and criminal cases where jurisdiction is concurrent with justices of the peace as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before justices of the peace, or the trial may be by a judge of the municipal court. Each juror shall receive five dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage as provided by law. No trial by jury shall be allowed in criminal cases involving violations of city ordinances.

**35.20.100 Departments of court—Change of venue.** There shall be two departments of the municipal court, provided that the legislative body of the city shall create one additional department for each additional one hundred fifty thousand inhabitants over five hundred thousand, as determined by the most recent federal or state census. The latter shall be as provided by chapter 96, section 2, Laws of 1951 as now or hereafter amended (RCW 43.62.030). Each department shall be presided over by a municipal judge who shall be elected as hereinafter provided. The departments shall be established in such places as may be provided by the legislative body of the city. A change of venue from the municipal court to a justice of the peace where the court has concurrent jurisdiction with justices of the peace as provided in RCW 35.20.250 shall be allowed in accordance with the provisions of RCW 3.20.100 and RCW 3.20.110 in all civil and criminal proceedings, but shall not be allowed between departments of the court.

**35.20.110 Seal of court—Extent of process.** The municipal court shall have a seal which shall be the vignette of George Washington, with the words "Seal of The Municipal Court of ..... (name of city), State of Washington," surrounding the vignette. All process from such court shall issue under the seal thereof and shall run throughout the state.

**35.20.120 Expenses of court.** All blanks, books, papers, stationery and furniture necessary for the transaction of business and the keeping of records of the court shall be furnished at the expense of the city, except those expenses incidental to the operation of the court in matters brought before the court because of concurrent jurisdiction with justices of the peace, which expense shall be borne by the county and paid out of the county treasury. All other expenses on account of such court which may be authorized by the city council or the county commissioners and which are not specifically mentioned in this chapter, shall be paid respectively out of the city treasury and county treasury.

**35.20.130 Department No. 2—Traffic cases.** The department of the municipal court which shall be designated as Department No. 2 shall be primarily responsible for the disposition of traffic cases and the supervision of the traffic violations bureau or similar agency of the city.

**35.20.140 Monthly meeting of judges—Rules and regulations of court.** It shall be the duty of the judges to meet together at least once each month, except during the months of July and August, at such hour and place as they may designate, and at such other times as they may desire, for the consideration of such matters pertaining to the administration of justice in said court as may be brought before them. At these meetings they shall receive and investigate, or cause to be investigated, all complaints presented to them pertaining to the court and the employees thereof, and shall take such action as they may deem necessary or proper with respect thereto. They shall have power and it shall be their duty to adopt, or cause to be adopted, rules and regulations for the proper administration of justice in said court.

**35.20.150 Election of judges—Vacancies.** The municipal judges shall be elected on the first Tuesday after the first Monday in November, 1958, and on the first Tuesday after the first Monday of November every fourth year thereafter by the electorate of the city in which the court is located. The auditor of the county concerned shall designate by number each position to be filled in the municipal court, and each candidate at the time of the filing of his declaration of candidacy shall designate by number so assigned the position for which he is a candidate, and the name of such candidate shall appear on the ballot only for such position. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on the general election ballot under the designation therefor: *Provided*, That if any candidate in the primary receives a majority of all of the votes cast for the position,



only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter. Elections for municipal judge shall be nonpartisan. They shall hold office for a term of four years and until their successors are elected and qualified. The term of office shall start on the second Monday in January following such election. Any vacancy in the municipal court due to a death, disability or resignation of a municipal court judge shall be filled by the mayor, to serve out the unexpired term. Such appointment shall be subject to confirmation by the legislative body of the city.

**35.20.160 Judges' salaries.** The total of the salaries of each municipal judge under this chapter shall be fixed by the legislative body of the city at not less than nine thousand dollars per annum, to be paid in monthly or semimonthly installments as for other officials of the city or county, and such total salaries shall not be more than the salaries paid the superior court judges in the county in which the court is located. Three thousand dollars of the total salaries shall be paid by the county treasurer and the remainder shall be paid by the city treasurer.

**35.20.170 Qualifications of judges—Practice of law prohibited.** No person shall be eligible to the office of judge of the municipal court unless he shall have been admitted to practice law before the courts of record of this state and is an elector of the city in which he files for office. No judge of said court during his term of office shall engage either directly or indirectly in the practice of law.

**35.20.180 Judges' oath of office, official bonds.** Every judge of such municipal court, before he enters upon the duties of his office, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge of the municipal court of the city of ..... (naming such city) according to the best of my ability; and I do further certify that I do not advocate, nor am I a member of an organization that advocates, the overthrow of the government of the United States by force or violence." The oath shall be filed in the office of the county auditor. He shall also give such bonds to the state and city for the faithful performance of his duties as may be by law or ordinance directed.

**35.20.190 Additional judge.** Whenever the number of departments of the municipal court is increased as authorized under the provisions of RCW 35.20.100, the mayor of such city shall appoint a

qualified person as provided in RCW 35.20.170 to act as municipal judge until the next general election. He shall be paid salaries in accordance with the provisions of this chapter and provided with the necessary court, office space and personnel as authorized herein.

**35.20.200 Judges pro tempore.** The mayor shall, from attorneys residing in the city and qualified to hold the position of judge of the municipal court as provided in RCW 35.20.170, appoint judges pro tempore who shall act in the absence of the regular judges of the court. Such appointments shall be made from a list of attorneys in accordance herewith furnished by the judges of the municipal court, which list shall contain not less than five names in addition to the number of judges pro tempore requested. Appointment of judges pro tempore shall be for the term of office of the regular judges unless sooner removed in the same manner as they were appointed. While acting as judge of the court judges pro tempore shall have all of the powers of the regular judges. Before entering upon his duties, each judge pro tempore shall take, subscribe and file an oath as is taken by a municipal judge. Judges pro tempore shall not practice before the municipal court during their term of office as judge pro tempore. Such municipal judges pro tempore shall receive such compensation as shall be fixed by ordinance by the legislative body of the city and such compensation shall be paid by the city.

**35.20.210 Clerks of court.** There shall be a chief clerk of the municipal court appointed by the city comptroller from the civil service clerical employees performing duties and clerical work relating to the functions of the court. Upon this chapter becoming effective (June 8, 1955) those employees connected with the court under civil service status shall be continued in such employment and such classification under the department of the city comptroller of such city. Before he enters upon the duties of his office the chief clerk shall take and subscribe an oath the same as other city officers, and shall execute to his city a penal bond in such sum and with such sureties as the legislative body of the city may direct and subject to their approval, conditioned that he will faithfully account to and pay over to the treasurer of said city all moneys coming into his hands as such clerk, and that he will faithfully perform the duties of his office to the best of his knowledge and ability. Upon the recommendation of the judge or judges of the municipal court, the legislative body of the city may provide for the appointment of such assistant clerks of the municipal court when they deem the same necessary, with such compensation as they may deem reasonable and such assistant clerks shall be subject to such civil service as may be provided in such city: *Provided*, That the judges

of the municipal court shall appoint such clerks as the board of county commissioners may determine to handle cases involving violations of state law, wherein the court has concurrent jurisdiction with justices of the peace and the superior court. All clerks of the court shall have power to administer oaths, swear and acknowledge signatures of those persons filing complaints with the court, take testimony in any action, suit or proceeding in the court relating to the city or county for which they are appointed, and may certify any records and documents of the court pertaining thereto. They shall give bond for the faithful performance of their duties as required by law.

**35.20.220 Powers and duties of chief clerk.** The chief clerk, under the supervision and direction of the city comptroller, shall have the custody and care of the books, papers and records of said court; he shall be present by himself or deputy during the session of said court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgments. He shall keep the records of said court, and shall issue all process under his hand and the seal of said court, and shall do and perform all things and have the same powers pertaining to his office as the clerks of the superior courts have in their office. He shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the city treasury all moneys received for said city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

**35.20.230 Probation officers—Bailiffs.** The judges of the municipal court shall appoint a probation officer and bailiff for the court, together with such additional probation officers or bailiffs as may be authorized by the legislative body of the city. Said probation officer and bailiff shall be paid by the city treasurer in such amount as is deemed reasonable by the legislative body of the city. Such additional probation officers and bailiffs of the court as may be authorized by the legislative body of the city or the county commissioners shall be paid respectively from the city and/or county treasuries.

**35.20.240 First judges—Transfer of equipment.** Upon the effective date of this chapter (June 8, 1955), any justice of the peace who was the duly appointed and acting police justice of the city shall become a judge of the municipal court upon his filing his oath of office and bond as required by this chapter, and shall serve as a judge of said municipal court until the regularly elected judges of the court shall qualify following their election in 1958, or thereafter as provided in RCW 35.20.150. Such judge shall be paid salaries in

accordance with this chapter while so serving. Such salaries from the city and county shall be in lieu of those now (June 8, 1955) being paid to the justice of the peace acting as police justice of the city court: *Provided*, That upon the justices of the peace qualifying as municipal judges under this chapter, the number of justices of the peace for such city shall be reduced accordingly as provided in RCW 35.20.190. Should any justice of the peace acting as police judge fail to qualify as a judge of the municipal court, the mayor of such city shall designate one of the other justices of the peace of that city to act as municipal judge until the next general election in November, 1958, and the qualifying of the regularly elected judge. All furniture and equipment belonging to the city and county in which the court is situated, now under the care and custody of the justice of the peace and municipal judge, shall be transferred to the municipal court for use in the operation and maintenance of such court.

**35.20.250 Concurrent jurisdiction with superior court and justice of the peace.** The municipal court shall have concurrent jurisdiction with the superior court and justices of the peace in all civil and criminal matters as now provided by law for justices of the peace, and a judge thereof may sit in preliminary hearings as magistrate. Judges of the municipal court, in their discretion, shall have the power to suspend all or part of any sentence, and fix the terms thereof, and provide for such probation and parole as in their opinion is reasonable and necessary under the circumstances of the case. Fines and forfeitures before the court under the provisions of this section shall be paid to the county treasurer as provided for justices of the peace and commitments shall be to the county jail. Appeals from judgment or order of the court in such cases shall be governed by the law pertaining to appeals from judgments or orders of justices of the peace.

**35.20.260 Subpoenas—Witness fees.** The court shall have authority to subpoena witnesses as now authorized in superior courts throughout the state. Such witnesses shall be paid according to law with mileage as authorized for witnesses to such cases.

**35.20.900 Construction of prior law.** The provisions of RCW 35.22.420, 35.22.430, 35.22.440, 35.22.450, 35.22.460, 35.22.480, 35.22.490, 35.22.510, 35.22.520, 35.22.530, 35.22.540, 35.22.550 and 35.22.560, insofar as inconsistent with the provisions of this chapter shall apply only to cities of the first class having a population of less than five hundred thousand inhabitants.

**35.20.910 Construction of other laws.** All acts or parts of acts not specifically repealed or modified by RCW 35.20.900, which are

inconsistent or conflicting with the provisions of this chapter, are hereby repealed or modified accordingly. No provision of this chapter shall be construed as repealing or anywise limiting or affecting the jurisdiction of justices of the peace under the general laws of this state.

### Chapter 35.21

#### MISCELLANEOUS PROVISIONS AFFECTING ALL CITIES AND TOWNS

**35.21.010 General corporate powers—Municipal corporations of the fourth class, restrictions as to area.** Municipal corporations now or hereafter organized are bodies politic and corporate under the name of the city of ....., or the town of ....., as the case may be, and as such may sue and be sued, contract or be contracted with, acquire, hold, possess and dispose of property, subject to the restrictions contained in other chapters of this title, having a common seal, and change or alter the same at pleasure, and exercise such other powers, and have such other privileges as are conferred by this title: *Provided*, That not more than two square miles in area shall be included within the corporate limits of municipal corporations of the fourth class, nor shall more than twenty acres of unplatted land belonging to any one person be taken within the corporate limits of municipal corporations of the fourth class without the consent of the owner of such unplatted land: *Provided further*, That the original incorporation of municipal corporations of the fourth class shall be limited to an area of not more than one square mile and a population as prescribed in RCW 35.01.040.

**35.21.020 Auditoriums, art museums, swimming pools, etc.—Power to acquire.** Any city or town in this state acting through its council or other legislative body, and any separately organized park district acting through its board of park commissioners or other governing officers, shall have power to acquire by donation, purchase or condemnation, and to construct and maintain public auditoriums, art museums, swimming pools, and athletic and recreational fields, including golf courses, buildings and facilities within or without its parks, and to use or let the same for such public and private purposes for such compensation and rental and upon such conditions as its council or other legislative body or board of park commissioners shall from time to time prescribe.

**35.21.030 Auxiliary water systems for protection from fire.** Any city or town shall have power to provide for the protection of such

city or town, or any part thereof, from fire, and to establish, construct and maintain an auxiliary water system, or systems, or extensions thereof, or additions thereto, and the structures and works necessary therefor or forming a part thereof, including the acquisition or damaging of lands, rights-of-way, rights, property, water rights, and the necessary sources of supply of water for such purposes, within or without the corporate limits of such city or town, and to manage, regulate and control the same.

**35.21.070 Cumulative reserve fund—Authority to create.** Any city or town is hereby authorized to establish by ordinance a cumulative reserve fund in general terms for several different municipal purposes as well as for a very specific municipal purpose, including that of buying any specified supplies, material or equipment, or the construction, alteration or repair of any public building or work, or the making of any public improvement. The ordinance shall designate the fund as “cumulative reserve fund for..... (naming purpose or purposes for which fund is to be accumulated and expended).” The moneys in said fund may be allowed to accumulate from year to year until the legislative authority of the city or town shall determine to expend the moneys in the fund for the purpose or purposes specified: *Provided*, That any moneys in said fund shall never be expended for any other purpose or purposes than those specified, without an approving vote by a majority of the electors of the city or town at a general or special election voting on a proposal submitted to the electors to allow other specified uses to be made of said fund.

**35.21.080 Cumulative reserve fund—Annual levy for—Application of budget law.** An item for said cumulative reserve fund may be included in the city or town’s annual budget or estimate of amounts required to meet public expense for the ensuing year and a tax levy made within the limits and as authorized by law for said item; and said item and levy may be repeated from year to year until, in the judgment of the legislative body of the city or town, the amount required for the specified purpose or purposes has been raised or accumulated. Any moneys in said fund at the end of the fiscal year shall not lapse nor shall the same be a surplus available or which may be used for any other purpose or purposes than those specified, except as herein provided.

**35.21.085 Payrolls fund—Claims fund.** The legislative authority of any city or town is authorized to create the following special funds:

(1) Payrolls—into which moneys may be placed from time to time as directed by the legislative authority from any funds avail-

able and upon which warrants may be drawn and cashed for the purpose of paying any moneys due city employees for salaries and wages. The accounts of the city or town shall be so kept that they shall show the department or departments and amounts to which the payment is properly chargeable.

(2) Claims—into which may be paid moneys from time to time from any funds which are available and upon which warrants may be issued and paid in payment of claims against the city or town for any purpose. The accounts of the city or town shall be so kept that they shall show the department or departments and the respective amounts for which the warrant is issued and paid.

**35.21.086 Same—Transfers from insolvent funds.** Transfers from an insolvent fund to the payrolls fund or claims fund shall be by warrant.

**35.21.088 Equipment rental fund.** Any city or town may create, by ordinance, an "equipment rental fund," hereinafter referred to as "the fund," in any department of the city or town to be used as a revolving fund to be expended for salaries, wages, and operations required for the repair, replacement, purchase, and operation of equipment, and for the purchase of equipment, materials, and supplies to be used in the administration and operation of the fund.

The legislative authority of a city or town may transfer any equipment, materials or supplies of any office or department to the equipment rental fund either without charge, or may grant a credit to such office or department equivalent to the value of the equipment, materials or supplies transferred. An office or department receiving such a credit may use it any time thereafter for renting or purchasing equipment, materials, supplies or services from the equipment rental fund.

Money may be placed in the fund from time to time by the legislative authority of the city or town. Cities and towns may purchase and sell equipment, materials and supplies by use of such fund, subject to any laws governing the purchase and sale of property. Such equipment, materials and supplies may be rented for the use of various offices and departments of any city or town or may be rented by any such city or town to governmental agencies. The proceeds received by any city or town from the sale or rental of such property shall be placed in the fund, and the purchase price of any such property or rental payments made by a city or town shall be made from moneys available in the fund. The ordinance creating the fund shall designate the official or body that is to administer the fund and the terms and charges for the rental for the use of any

such property which has not been purchased for its own use out of its own funds and may from time to time amend such ordinance.

There shall be paid monthly into the fund out of the moneys available to the department using any equipment, materials, and/or supplies, which have not been purchased by that department for its own use and out of its own funds, reasonable rental charges fixed by the legislative authority of the city or town, and moneys in the fund shall be retained there from year to year so long as the legislative authority of the city or town desires to do so.

Every city having a population of more than eight thousand, according to the last official census, shall establish such an equipment rental fund in its street department or any other department of city government. Such fund shall acquire the equipment necessary to serve the needs of the city street department. Such fund may, in addition, be created to service any other departments of city government or other governmental agencies as authorized hereinabove.

**35.21.090 Dikes, levees, embankments—Authority to construct.** Any city or town shall have power to provide for the protection of such city or town, or any part thereof, from overflow, and to establish, construct and maintain dikes, levees, embankments, or other structures and works, or to open, deepen, straighten or otherwise enlarge natural watercourses, waterways and other channels, including the acquisition or damaging of lands, rights-of-way, rights and property therefor, within or without the corporate limits of such city or town, and to manage, regulate and control the same.

**35.21.100 Donations—Authority to accept and use.** Every city and town by ordinance may accept any money or property donated, devised, or bequeathed to it and carry out the terms of the donation, devise, or bequest, if within the powers granted by law. If no terms or conditions are attached to the donation, devise, or bequest, the city or town may expend or use it for any municipal purpose.

**35.21.110 Ferries—Authority to acquire and maintain.** Any incorporated city or town within the state is authorized to construct, or condemn and purchase, or purchase, and to maintain a ferry across any unfordable stream adjoining and within one mile of its limits, together with all necessary grounds, roads, approaches and landings necessary or appertaining thereto located within one mile of the limits of such city or town, with full jurisdiction and authority to manage, regulate and control the same beyond the limits of the corporation and to operate the same free or for toll.

**35.21.120 Garbage—Collection and disposal system.** Every city and town may by ordinance provide for the establishment of a



system of garbage collection and disposal for the entire city or town or for portions thereof, and award contracts for garbage collection and disposal or provide for it under the direction of officials and employees of the city or town.

**35.21.130 Garbage—Ordinance.** A garbage ordinance may:

(1) Require property owners and occupants of premises to use the garbage collection and disposal system and to dispose of their garbage as provided in the ordinance; and

(2) Fix charges for garbage collection and disposal and the manner and time of payment therefor including therein a provision that upon failure to pay the charges, the amount thereof shall become a lien against the property for which the garbage collection service is rendered. The ordinance may also provide penalties for its violation.

**35.21.140 Garbage—Notice of lien—Foreclosure.** A notice of the city's or town's lien for garbage collection and disposal service specifying the charges, the period covered by the charges and giving the legal description of the premises sought to be charged, shall be filed with the county auditor within the time required and shall be foreclosed in the manner and within the time prescribed for liens for labor and material.

**35.21.150 Garbage—Lien—Priority.** The garbage collection and disposal service lien shall be prior to all liens and encumbrances filed subsequent to the filing of the notice of it with the county auditor, except the lien of general taxes and local improvement assessments whether levied prior or subsequent thereto.

**35.21.160 Jurisdiction over adjacent waters.** The powers and jurisdiction of all incorporated cities and towns of the state having their boundaries or any part thereof adjacent to or fronting on any bay or bays, lake or lakes, sound or sounds, river or rivers, or other navigable waters are hereby extended into and over such waters and over any tidelands intervening between any such boundary and any such waters to the middle of such bays, sounds, lakes, rivers, or other waters in every manner and for every purpose that such powers and jurisdiction could be exercised if the waters were within the city or town limits.

**35.21.170 Liquor law violations—Annual report of.** In every city and town having a police court, the judge thereof shall send to the state liquor board an annual written report in respect of prosecutions for liquor law violations brought under Title 66 RCW showing in each case the name of the accused, the nature of the charges, the date of trial, the disposition of the case and the name of the judge presiding.

**35.21.175 Offices to be open certain days and hours.** All city and town offices shall be kept open for the transaction of business during such days and hours as the municipal legislative authority shall by ordinance prescribe.

**35.21.180 Ordinances—Adoption of codes by reference.** Ordinances passed by cities or towns must be posted or published in a newspaper as required by their respective charters or the general laws: *Provided*, That ordinances may by reference adopt Washington state statutes and codes, including fire codes and ordinances relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health and sanitation, the slaughtering, processing and selling of meats and meat products for human consumption, the production, pasteurizing and sale of milk and milk products, or other subjects, may adopt by reference, any printed code or compilation, or portions thereof, together with amendments thereof or additions thereto, on the subject of the ordinance; and where publications of ordinances in a newspaper is required, such Washington state statutes or codes or other codes or compilations so adopted need not be published therein: *Provided, however*, That not less than three copies of such statute, code or compilation and amendments and additions thereto adopted by reference shall be filed for use and examination by the public, in the office of the city or town clerk of said city, or town prior to adoption thereof. Any city or town ordinance heretofore adopting any state law or any such codes or compilations by reference are hereby ratified and validated.

**35.21.190 Parkways, park drives and boulevards.** Any city or town council upon request of the board of park commissioners, shall have authority to designate such streets as they may see fit as parkways, park drives, and boulevards, and to transfer all care, maintenance and improvement of the surface thereof to the board of park commissioners, or to such authority of such city or town as may have the care and management of the parks, parkways, boulevards and park drives of the city.

Any city or town may acquire, either by gift, purchase or the right of eminent domain, the right to limit the class, character and extent of traffic that may be carried on such parkways, park drives and boulevards, and to prescribe that the improvement of the surface thereof shall be made wholly in accordance with plans of such board of park commissioners, but that the setting over of all such streets for such purposes shall not in any wise limit the right and authority of the city council to construct underneath the surface thereof any and all public utilities nor to deprive the council of the right to levy assessments for special benefits. In the construction of

any such utilities, any damages done to the surface of such parkways, park drives or boulevards shall not be borne by any park funds of such city or town.

**35.21.200 Residence qualifications of appointive officials and employees.** Any city or town may by ordinance of its legislative authority determine whether there shall be any residential qualifications for any or all of its appointive officials or for preference in employment of its employees, but residence of an employee outside the limits of such city or town shall not be grounds for discharge of any regularly appointed civil service employee otherwise qualified: *Provided*, That this section shall not authorize a city or town to change any residential qualifications prescribed in any city charter for any appointive official or employee: *Provided, further*, That all employees appointed prior to the enactment of any ordinance establishing such residence qualifications as provided herein or who shall have been appointed or employed by such cities or towns having waived such residential requirements shall not be discharged by reason of such appointive officials or employees having established their residence outside the limits of such city or town: *Provided, further*, That this section shall not authorize a city or town to change the residential requirements with respect to employees of private public utilities acquired by public utility districts or by the city or town.

**35.21.210 Sewerage, drainage and water supply.** Any city or town shall have power to provide for the sewerage, drainage and water supply thereof, and to establish, construct and maintain a system or systems of sewers and drains and a system or systems of water supply, within or without the corporate limits of such city or town, and to control, regulate and manage the same.

**35.21.220 Sidewalks—Regulation of use of.** Cities of several classes in this state shall be empowered to regulate the use of sidewalks within their limits, and may in their discretion and under such terms and conditions as they may determine permit a use of the same by abutting owners, provided such use does not in their judgment unduly and unreasonably impair passage thereon, to and fro, by the public. Such permission shall not be considered as establishing a prescriptive right, and the right may be revoked at any time by the authorities of such cities.

**35.21.230 Streets over tidelands declared public highways.** All streets in any incorporated city in this state, extending from high tide into the navigable waters of the state, are hereby declared public highways.

**35.21.240 Streets over tidelands—Control of.** All streets declared public highways under the provisions of RCW 35.21.230 shall be under the control of the corporate authorities of the respective cities.

**35.21.250 Streets and alleys over first class tidelands—Control of.** All streets and alleys, which have been heretofore or may hereafter be established upon, or across tide and shore lands of the first class shall be under the supervision and control of the cities within whose corporate limits such tide and shore lands are situated, to the same extent as are all other streets and alleys of such cities.

**35.21.260 Streets—Annual report to director of highways.** The governing authority of each city and town on or before February 1st of each year shall submit such records and reports regarding street operations therein to the director of highways on forms furnished by him as are necessary to enable him to compile an annual report thereon.

**35.21.270 Streets—Records of funds received and used for construction, repair, maintenance.** The city engineer or the city clerk of each city or town shall maintain records of the receipt and expenditure of all moneys used for construction, repair or maintenance of streets and arterial highways.

To assist in maintaining uniformity in such records, the division of municipal corporations, with the advice and assistance of the highway commission, shall prescribe forms and types of records to be so maintained.

**35.21.280 Tax on admissions—Exception as to schools.** Every city and town may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to any place: *Provided*, No city or town shall impose such tax on persons paying an admission to any activity of any elementary or secondary school. This includes a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same privileges or accommodations. The city or town may require anyone who receives payment for an admission charge to collect and remit the tax to the city or town.

The term "admission charge" includes:

- (1) A charge made for season tickets or subscriptions;
- (2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
- (3) A charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided;

(4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;

(5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

**35.21.290 Utility services—Lien for.** Cities and towns owning their own waterworks, or electric light or power plants shall have a lien against the premises to which water, electric light, or power services were furnished for four months charges therefor due or to become due, but not for any charges more than four months past due: *Provided*, That the owner of the premises or the owner of a delinquent mortgage thereon may give written notice to the superintendent or other head of such works or plant to cut off service to such premises accompanied by payment or tender of payment of the then delinquent and unpaid charges for such service against the premises together with the cut-off charge, whereupon the city or town shall have no lien against the premises for charges for such service thereafter furnished, nor shall the owner of the premises or the owner of a delinquent mortgage thereon be held for the payment thereof.

**35.21.300 Utility services—Enforcement of lien.** The lien for charges for service by a city waterworks, or electric light or power plant may be enforced only by cutting off the service until the delinquent and unpaid charges are paid. In the event of a disputed account and tender by the owner of the premises of the amount he claims to be due before the service is cut off, the right to refuse service to any premises shall not accrue until suit has been entered by the city and judgment entered in the case.

**35.21.310 Vegetation—Removal of overhanging or obstructing trees, plants, etc.** Any city or town may by general ordinance require the owner of any property therein to remove or destroy all trees, plants, shrubs or vegetation, or parts thereof, which overhang any sidewalk or street or which are growing thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public; and may further so require the owner of any property therein to remove or destroy all grass, weeds, shrubs, bushes, trees or vegetation growing or which has grown and died upon property owned or occupied by them and which are a fire hazard or a menace to public health, safety or welfare. The ordinance shall require the proceedings therefor to be initiated by a resolution of the governing body of the city or town, adopted after

not less than five days' notice to the owner, which shall describe the property involved and the hazardous condition, and require the owner to make such removal or destruction after notice given as required by said ordinance. The ordinance may provide that if such removal or destruction is not made by the owner after notice given as required by the ordinance in any of the above cases, that the city or town will cause the removal or destruction thereof and may also provide that the cost to the city or town shall become a charge against the owner of the property and a lien against the property. Notice of the lien herein authorized shall as nearly as practicable be in substantially the same form, filed with the same officer within the same time and manner, and enforced and foreclosed as is provided by law for liens for labor and materials.

The provisions of this section are supplemental and additional to any other powers granted or held by any city or town on the same or a similar subject.

**35.21.320 Warrants—Interest rate—Payment.** All city and town warrants shall draw interest from and after their presentation to the treasurer, but no compound interest shall be paid on any warrant directly or indirectly. The city or town treasurer shall pay all warrants in the order of their number and date of issue whenever there are sufficient funds in the treasury applicable to the payment. If five hundred dollars (or any sum less than five hundred dollars as may be prescribed by ordinance) is accumulated in any fund having warrants outstanding against it, the city or town treasurer shall publish a call for warrants to that amount in the next issue of a newspaper published in the city or town (or posted in three conspicuous places in the municipality if no newspaper is published therein) describing the warrants so called by number and specifying the fund upon which they were drawn: *Provided*, That no call need be made until the amount accumulated is equal to the amount due on the warrant longest outstanding: *Provided further*, That no more than two calls shall be made in any one month.

Any city or town treasurer who knowingly fails to call for or pay any warrant in accordance with the provisions of this section shall be fined not less than twenty-five dollars nor more than five hundred dollars and conviction thereof shall be sufficient cause for removal from office.

**35.21.330 Workhouses, jails, stockades, etc., authorized.** Cities and towns may acquire, build, operate and maintain jails, workhouses, workshops, stockades and other places of detention and confinement at any place within the territorial limits of the county in which the city or town is situated, as may be selected by the legislative authority of the municipality.

**35.21.420 Utilities—City may support county in which generating plant located.** Any city owning and operating a public utility and having facilities for the generation of electricity located in a county other than that in which the city is located, may provide for the public peace, health, safety and welfare of such county as concerns the facilities and the personnel employed in connection therewith, by contributing to the support of the county government of any such county and enter into contracts with any such county therefor.

**35.21.425 City constructing generating facility in other county—Reimbursement of county or school district.** Whenever after March 17, 1955, any city shall construct hydroelectric generating facilities or acquire land for the purpose of constructing the same in a county other than the county in which such city is located, and by reason of such construction or acquisition shall (1) cause loss of revenue and/or place a financial burden in providing for the public peace, health, safety, welfare, and added road maintenance in such county, in addition to road construction or relocation as set forth in RCW 90.28.010 and/or (2) shall cause any loss of revenues and/or increase the financial burden of any school district affected by the construction because of an increase in the number of pupils by reason of the construction or the operation of said generating facilities, the city shall enter into an agreement with said county and/or the particular school district or districts affected for the payment of moneys to recompense such losses or to provide for such increased financial burden, upon such terms and conditions as may be mutually agreeable to the city and the county and/or school district or districts.

**35.21.426 —————Notice of loss — Negotiations — Arbitration.** Whenever a county or school district affected by the project sustains such financial loss or is affected by an increased financial burden as above set forth or it appears that such a financial loss or burden will occur beginning not later than within the next three months, such county or school district shall immediately notify the city in writing setting forth the particular losses or increased burden and the city shall immediately enter into negotiations to effect a contract. In the event the city and the county or school district are unable to agree upon terms and conditions for such contract, then in that event, within sixty days after such notification, the matter shall be submitted to a board of three arbitrators, one of whom shall be appointed by the city council of the city concerned; one by the board of county commissioners for the county concerned or by the school board for the school district concerned, and one by the two arbitrators so appointed. In the event such arbitrators are unable to agree on a third arbitrator within ten days after their appointment then the third arbitrator shall be selected by the state auditor.

The board of arbitrators shall determine the loss of revenue and/or the cost of the increased financial burden placed upon the county or school district and its findings shall be binding upon such city and county or school district and the parties shall enter into a contract for reimbursement by the city in accordance with such findings, with the payment under such findings to be retroactive to the date when the city was first notified in writing.

**35.21.427 ———Additional findings—Renegotiation.** The findings provided for in RCW 35.21.426 may also provide for varying payments based on formulas to be stated in the findings, and for varying payments for different stated periods. The findings shall also state a future time at which the agreement shall be renegotiated or, in event of failure to agree on such renegotiation, be arbitrated as provided in RCW 35.21.426.

**35.21.430 Utilities—City may pay taxing districts involved after acquisition of private power facilities.** On and after January 1, 1951, whenever a city or town shall acquire electric generation, transmission and/or distribution properties which at the time of acquisition were in private ownership, the legislative body thereof may each year order payments made to all taxing districts within which any part of the acquired properties are located, in amounts not greater than the taxes, exclusive of excess levies voted by the people and/or levies made for the payment of bonded indebtedness pursuant to the provisions of the forty-mill tax law, imposed on such properties in the last tax year in which said properties were in private ownership.

**35.21.440 Utilities—Additional payments to school districts having bonded indebtedness.** In the event any portion of such property shall be situated in any school district which, at the time of acquisition, has an outstanding bonded indebtedness, the city or town may in addition to the payments authorized in RCW 35.21.430, make annual payments to such school district which shall be applied to the retirement of the principal and interest of such bonds. Such payments shall be computed in the proportion which the assessed valuation of utility property so acquired shall bear to the total assessed valuation of the district at the time of the acquisition.

**35.21.450 Utilities—Payment of taxes.** Annual payments shall be ordered by an ordinance or ordinances of the legislative body. The ordinance shall further order a designated officer to notify in writing the county assessor of each county in which any portion of such property is located, of the city's intention to make such payments. The county assessor shall thereupon enter upon the tax rolls of the county the amount to which any taxing district of



the county is entitled under the provisions of RCW 35.21.430 to 35.21.450, inclusive; and upon delivery of the tax rolls to the county treasurer as provided by law, the amount of the tax as hereinbefore authorized and determined shall become due and payable by the city or town the same as real property taxes.

**35.21.500 Compilation, codification, revision of city or town ordinances—Scope of codification.** “Codification” means the editing, rearrangement and/or grouping of ordinances under appropriate titles, parts, chapters and sections and includes but is not limited to the following:

(1) Editing ordinances to the extent deemed necessary or desirable, for the purpose of modernizing and clarifying the language of such ordinances, but without changing the meaning of any such ordinance.

(2) Substituting for the term “this ordinance,” where necessary the term “section,” “part,” “code,” “chapter,” “title,” or reference to specific section or chapter numbers, as the case may require.

(3) Correcting manifest errors in reference to other ordinances, laws and statutes, and manifest spelling, clerical or typographical errors, additions, or omissions.

(4) Dividing long sections into two or more sections and rearranging the order of sections to insure a logical arrangement of subject matter.

(5) Changing the wording of section captions, if any, and providing captions to new chapters and sections.

(6) Striking provisions manifestly obsolete and eliminating conflicts and inconsistencies so as to give effect to the legislative intent.

**35.21.510 ———Authorized.** Any city or town may prepare or cause to be prepared a codification of its ordinances.

**35.21.520 ———Adoption as official code of city.** Any city or town having heretofore prepared or caused to be prepared, or now preparing or causing to be prepared, or that hereafter prepares or causes to be prepared, a codification of its ordinances may adopt such codification by enacting an ordinance adopting such codification as the official code of the city, provided the procedure and requirements of RCW 35.21.500 through 35.21.570 are complied with.

**35.21.530 ———Filing—Notice of hearing.** When a city or town codifies its ordinances, it shall file a typewritten or printed copy of such codification in the office of the city or town clerk. After the first reading of the title of the adopting ordinance and of the title of the code to be adopted thereby, the legislative body of the city or town shall schedule a public hearing thereon. Notice

of the hearing shall be published once not more than fifteen nor less than ten days prior to the hearing in the official newspaper of the city published in such city or town, indicating that its ordinances have been compiled, or codified and that a copy of such compilation or codification is on file in the city or town clerk's office for inspection. If there is no official newspaper, then the notice shall be published in some other newspaper published in the city or town, and if there is no newspaper published in the city or town, then it shall be published or posted in at least three public places in such city or town as the city or town legislative body may direct. The notice shall state the time and place of the hearing.

**35.21.540** ————**Legislative body may amend, adopt, or reject adopting ordinance—When official code.** After the hearing, the legislative body may amend, adopt, or reject the adopting ordinance in the same manner in which it is empowered to act in the case of other ordinances. Upon the enactment of such adopting ordinance, the codification shall be the official code of ordinances of the city or town.

**35.21.550** ————**Copies as proof of ordinances.** Copies of such codes in published form shall be received without further proof as the ordinances of permanent and general effect of the city or town in all courts and administrative tribunals of this state.

**35.21.560** ————**Adoption of new material.** New material shall be adopted by the city or town legislative body as separate ordinances prior to the inclusion thereof in such codification: *Provided*, That any ordinance amending the codification shall set forth in full the section or sections, or subsection or subsections of the codification being amended, as the case may be, and this shall constitute a sufficient compliance with any statutory or charter requirement that no ordinance or any section thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or amended section in full.

**35.21.570** ————**Codification satisfies single subject, title, and amendment requirements of statute or charter.** When a city or town shall make a codification of its ordinances in accordance with RCW 35.21.500 through 35.21.570 that shall constitute a sufficient compliance with any statutory or charter requirements that no ordinance shall contain more than one subject which shall be clearly expressed in its title and that no ordinance or any section thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or amended section in full.

**35.21.600** **Cities having ten thousand or more population may frame charter for own government.** Any city of ten thousand or

more population shall have all power to conduct its affairs consistent with and subject to state law, including the power to frame a charter for its own government in the same manner as cities of the first class. "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made under the direction of the state census board. Once any city has ten thousand or more population, any subsequent decrease in population below ten thousand shall not affect any powers theretofore acquired under this section.

## Chapter 35.22

### FIRST CLASS CITIES

**35.22.010 Laws governing.** Cities of the first class shall be organized and governed according to the law providing for the government of cities having a population of twenty thousand or more inhabitants in accordance with article 11, section 10 of the state Constitution.

**35.22.020 Mode of exercising powers, functions and duties.** The form of the organization and the manner and mode in which cities of the first class shall exercise the powers, functions and duties conferred upon them by law, with respect to their own government, shall be as provided in the charters thereof.

**35.22.030 May frame charter for its government.** Any city with a population of twenty thousand or more inhabitants may frame a charter for its own government.

**35.22.040 Enumeration of inhabitants.** The legislative authority of any such city may provide by ordinance for the appointment by the mayor thereof, of such number of persons as may be designated in the ordinance to make an enumeration of all persons residing within the corporate limits of the city. The enumerators so appointed, before entering upon their duties, shall take an oath for the faithful performance thereof and within five days after their appointment proceed, within their respective districts, to make an enumeration of all persons residing therein, with their names and places of residence.

Immediately upon the completion of the enumeration, the enumerators shall make return thereof upon oath to the legislative authority of the city, who at its next meeting or as soon thereafter as practicable, shall canvass and certify the returns.

If it appears therefrom that the whole number of persons residing within the corporate limits of the city is twenty thousand or

more, the mayor and clerk under the corporate seal of the city shall certify the number so ascertained to the secretary of state, who shall file it in his office. This certificate when so filed shall be conclusive evidence of the population of the city.

**35.22.050 Election of freeholders.** Within twenty days after the filing with the secretary of state of a certificate showing that pursuant to an authorized census, the population of a city is twenty thousand or more, the legislative authority thereof shall provide by ordinance for an election to be held therein for the purpose of electing fifteen freeholders for the purpose of framing a charter for the city. The members of the board of freeholders must be qualified electors and must have been residents of the city for a period of at least two years prior to their election.

**35.22.060 Submission of charter—Publication.** The board of freeholders shall convene within ten days after their election and frame a charter for the city and within thirty days thereafter, they, or a majority of them, shall submit the charter to the legislative authority of the city, which, within five days thereafter, shall cause it to be published in two daily newspapers in the city for a period of thirty days prior to the election thereon for adoption or rejection.

**35.22.070 Election on adoption of charter—Notice.** Within five days after the filing with the city clerk of affidavits of publication, which affidavits shall be filed immediately after the last publication, the legislative authority of the city shall initiate the proceedings for the submission of the proposed charter to the qualified voters of the city for their adoption or rejection. At this election the first officers to serve under the provisions of the proposed charter shall also be elected. In electing from wards, the division into wards as specified in the proposed charter shall govern; in all other respects the then existing laws relating to such elections shall govern. At least ten days notice of this election shall be given by publication in two daily newspapers in the city and by posting notices at each polling place in every precinct. The notice shall specify the objects for which the election is held.

**35.22.080 Conduct of Elections.** The election of the members of the board of freeholders and that upon the proposition of adopting or rejecting the proposed charter and the officers to be elected thereunder, the returns of both elections, the canvassing thereof and the declaration of the result shall be governed by the laws regulating and controlling elections in the city.

**35.22.090 Form of ballot.** The form of ballot in the election for the adoption or rejection of the proposed charter shall be: "For the proposed charter," "Against the proposed charter." In sub-

mitting the proposed charter or amendments thereto, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to others. In submitting such amendment, article or proposition, the form of the ballot shall be: "For article No. .... of the charter," "Against article No. .... of the charter."

**35.22.100 Certificates of election to officers.** If a majority of the votes cast at the election upon the adoption of the proposed charter favor it, certificates of election shall be issued to each officer elected at that election. Within ten days after the issuance of the certificates of election, the newly elected officers shall qualify as provided in the charter, and on the tenth day thereafter at twelve o'clock noon of that day, the officers so elected and qualified shall enter upon the duties of the offices to which they were elected and at such time the charter shall be authenticated, recorded, attested and go into effect. When so authenticated, recorded and attested, the charter shall become the organic law of the city and supersede any existing charter and amendments thereto and all special laws inconsistent therewith.

**35.22.110 Authentication of charter.** The authentication of the charter shall be by certificate of the mayor in substance as follows:

"I ....., mayor of the city of ..... do hereby certify that in accordance with the provisions of the Constitution and statutes of the State of Washington, the city of ..... caused fifteen freeholders to be elected on the ..... day of ..... 19..... to prepare a charter for the city; that due notice of that election was given in the manner provided by law and that the following persons were declared elected to prepare and propose a charter for the city, to wit: .....

That thereafter on the ..... day of ..... 19..... the board of freeholders returned a proposed charter for the city of ..... signed by the following members thereof: .....

That thereafter the proposed charter was published in two daily newspapers of general circulation in the city for a period of thirty days before the election, to wit: On the ..... day of ..... 19.....

That thereafter on the ..... day of ..... 19....., at an election duly called and held, the proposed charter was submitted to the qualified electors thereof, and the returns canvassed resulting as follows: For the proposed charter, ..... votes; against the proposed charter, ..... votes; majority for the proposed charter, ..... votes; whereupon the charter was declared adopted by a majority of the qualified electors voting at the election.

I further certify that the foregoing is a full, true and complete copy of the proposed charter so voted upon and adopted as aforesaid.

*In testimony whereof*, I hereunto set my hand and affix the corporate seal of said city at my office this ..... day of ..... 19.....

Attest:

.....  
 Mayor of the City of .....  
 Clerk of the city of ..... (Corporate seal)."

Immediately after authentication, the authenticated charter shall be recorded by the city clerk in a book provided for that purpose known as the charter book of the city of ..... and when so recorded shall be attested by the clerk and mayor under the corporate seal of the city. All amendments shall be in like manner recorded and attested.

All courts shall take judicial notice of a charter and all amendments thereto when recorded and attested as required in this section.

**35.22.120 Petition for submission of charter amendment.** On petition of a number (equal to fifteen percent of the total number of votes cast at the last preceding general state election) of qualified voters of any municipality having adopted a charter under the laws of this state, asking the adoption of a specified charter amendment, providing for any matter within the realm of local affairs, or municipal business, the said amendment shall be submitted to the voters at the next regular municipal election, occurring thirty days or more after said petition is filed, and if approved by a majority of the local electors of the municipality voting upon it, such amendment shall become a part of the charter organic law governing such municipality.

**35.22.130 Requisites of petition—Effect of favorable vote.** The petition containing the demand for the submission of the proposed charter amendment shall be filed with the city clerk and each signer shall write his occupation and place of residence after his signature and the genuineness of the signatures on such paper must be attested by the affidavit of a qualified voter. This and RCW 35.22.120 do not deprive city councils of the right to submit proposed charter amendments but affords a concurrent and additional method of submission.

**35.22.140 New or revised charter—Petition—Freeholders.** On the petition of a number of registered voters of a city equal to twenty-five percent of the total votes cast at the last preceding

city election, the city council of a city of the first class shall, or without such petition may, cause an election to be held for the purpose of electing a board of fifteen freeholders for the purpose of preparing a new charter for the city by altering, revising, adding to or repealing the existing charter including all amendments thereto. The members of the board of freeholders must be qualified electors and must have been residents in the city for a period of at least two years prior to their election. At such election the proposition of whether or not a board of freeholders shall be created at all shall be separately stated on the ballots and unless a majority of the votes cast upon that proposition favor it, no further steps shall be taken in the proceedings.

**35.22.150 Submission of new charter.** Within ten days after the results of the election have been determined, if a majority of the votes cast favor the proceeding, the members of the board of freeholders elected thereat shall convene and prepare a new charter by altering, revising, adding to, or repealing the existing charter including all amendments thereto and within six months thereafter file it with the city clerk.

**35.22.160 Election on adoption of new charter.** Upon the filing of the proposed new, altered, changed or revised charter with the city clerk, it shall be submitted to the qualified voters of the city at an election to be called therefor pursuant to the provisions of law applicable to the holding of elections in such city.

**35.22.170 Publication of proposed charter.** The proposed new, altered or revised charter shall be published in two daily newspapers in the city for at least thirty days prior to the day of election thereon for adoption or rejection.

**35.22.180 Conduct of elections.** The election of the board of freeholders and that upon the proposition of adopting the proposed new, altered or revised charter, may be general or special elections and except as herein provided, said elections, the returns, the canvassing thereof and the declaration of the result shall be governed by the laws regulating and controlling elections in the city. In both cases the notice specifying the object of the election must be given at least ten days before the day of election.

**35.22.190 Effect of favorable vote.** If a majority of the voters voting upon the adoption of the proposed new, altered or revised charter favor it, it shall become the charter of the city and the organic law thereof, superseding any existing charter. All bodies or offices abolished or dispensed with by the new, altered or revised charter, together with the emoluments thereof shall immediately cease to exist, and any new offices created shall be filled by appoint-

ment of the mayor until the next general election subject to such approval by the city council as may be required by the new, altered or revised charter.

**35.22.200 Legislative powers—Where vested—Direct legislation.** The legislative powers of a city of the first class shall be vested in a mayor and a city council, to consist of such number of members and to have such powers as may be provided for in its charter. The charter may provide for direct legislation by the people through the initiative and referendum upon any matter within the scope of the powers, functions, or duties of the city. The mayor and council and such other elective officers as may be provided for in such charter shall be elected at such times and in such manner as provided in Title 29 RCW, and for such terms and shall perform such duties and receive such compensation as may be prescribed in the charter.

**35.22.205 Compensation and hours of mayor and elected officials.** The compensation and the time to be devoted to the performance of the duties of the mayor and elected officials of all cities of the first class shall be as fixed by ordinance of said city irrespective of any city charter provisions.

**35.22.210 Separate designation of councilmen in certain first class cities.** Any city of the first class having a population less than one hundred thousand by the last federal census and having a charter providing that each of its councilmen shall be the commissioner of an administrative department of such city, may by ordinance provide for the separate designation of such councilmen as officers, in accordance with such administrative departments, and for their filing for and election to office under such separate designations.

**35.22.220 Repeal of separate designation.** Whenever any such city shall have passed such an ordinance providing for such separate designations and for filing for and election to office in accordance therewith, such city shall have no power to repeal the same except by ordinance passed by the council of such city and submitted to the voters thereof at a general or special election and ratified by a majority of the voters voting thereon.

**35.22.240 Investment board created.** There shall be, and is hereby, created in all cities of the first class a board of investment, composed of the mayor, comptroller, or auditor, or if there be no comptroller, or auditor, then the city clerk, and the city treasurer.

**35.22.250 Officers of investment board.** The mayor shall be chairman of said board and it shall be his duty to preside at the



meetings thereof, provided that in the absence of the mayor the treasurer shall act as such chairman; and it shall be the duty of the comptroller, or city clerk, to act as secretary of said board and keep a record of the minutes and transactions thereof and to certify to the city council any matters upon which it may be necessary for the council to act.

**35.22.260 Meetings of board.** Meetings of such board may be called at any time by any member thereof by notification in writing to the remaining members of the board of the time and place of such meeting.

**35.22.270 Investments authorized.** The investment board is authorized, upon the majority vote of its members and with the consent by resolution of the city council, from time to time to invest cash then on hand in the treasury of such city in United States government bonds, or United States certificates of indebtedness: *Provided*, That the city council may at any time by resolution authorize the conversion of such securities, or any part thereof, into cash.

**35.22.280 Specific powers enumerated.** Any city of the first class shall have power—

(1) To provide for general and special elections, for questions to be voted upon, and for the election of officers;

(2) To provide for levying and collecting taxes on real and personal property for its corporate uses and purposes, and to provide for the payment of the debts and expenses of the corporation;

(3) To control the finances and property of the corporation, and to acquire, by purchase or otherwise, such lands and other property as may be necessary for any part of the corporate uses provided for by its charter, and to dispose of any such property as the interests of the corporation may, from time to time, require;

(4) To borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor, on such conditions and in such manner as shall be prescribed in its charter; but no city shall, in any manner or for any purpose, become indebted to an amount in the aggregate to exceed the limitation of indebtedness prescribed by chapter 39.36 RCW as now or hereafter amended;

(5) To issue bonds in place of or to supply means to meet maturing bonds or other indebtedness, or for the consolidation or funding of the same;

(6) To purchase or appropriate private property within or without its corporate limits, for its corporate uses, upon making just compensation to the owners thereof, and to institute and maintain

such proceedings as may be authorized by the general laws of the state for the appropriation of private property for public use;

(7) To lay out, establish, open, alter, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and other public grounds, and to regulate and control the use thereof, and to vacate the same, and to authorize or prohibit the use of electricity at, in, or upon any of said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be so used, and to regulate the use thereof;

(8) To change the grade of any street, highway, or alley within its corporate limits, and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvements upon such street, highway, or alley at any point opposite to the point where such change shall be made with reference to the grade of such street, highway, or alley as the same existed prior to such change;

(9) To authorize or prohibit the locating and constructing of any railroad or street railroad in any street, alley, or public place in such city, and to prescribe the terms and conditions upon which any such railroad or street railroad shall be located or constructed; to provide for the alteration, change of grade, or removal thereof; to regulate the moving and operation of railroad and street railroad trains, cars, and locomotives within the corporate limits of said city; and to provide by ordinance for the protection of all persons and property against injury in the use of such railroads or street railroads;

(10) To provide for making local improvements, and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof;

(11) To acquire, by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same;

(12) To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof;

(13) To determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining contiguous, or proximate property, or others specially benefited thereby; and to provide for the manner of making and collecting assessments therefor;

(14) To provide for erecting, purchasing, or otherwise acquiring waterworks, within or without the corporate limits of said city, to supply said city and its inhabitants with water, or authorize the construction of same by others when deemed for the best inter-

ests of such city and its inhabitants, and to regulate and control the use and price of the water so supplied;

(15) To provide for lighting the streets and all public places, and for furnishing the inhabitants thereof with gas or other lights, and to erect, or otherwise acquire, and to maintain the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof;

(16) To establish and regulate markets, and to provide for the weighing, measuring, and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all vendors in such city, and to provide for the inspection thereof;

(17) To erect and establish hospitals and pesthouses, and to control and regulate the same;

(18) To erect and establish work houses and jails, and to control and regulate the same, and to provide for the working of prisoners confined therein;

(19) To provide for establishing and maintaining reform schools for juvenile offenders;

(20) To provide for the establishment and maintenance of public libraries, and to appropriate, annually, such percent of all moneys collected for fines, penalties, and licenses as shall be prescribed by its charter, for the support of a city library, which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public;

(21) To regulate the burial of the dead, and to establish and regulate cemeteries within or without the corporate limits, and to acquire land therefor by purchase or otherwise; to cause cemeteries to be removed beyond the limits of the corporation, and to prohibit their establishment within two miles of the boundaries thereof;

(22) To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on, and to regulate the management thereof; and to prohibit the erection or maintenance of such buildings or structures, or the carrying on of such trade or occupation within the limits of such corporation, or within the distance of two miles beyond the boundaries thereof;

(23) To provide for the prevention and extinguishment of fires, and to regulate or prohibit the transportation, keeping, or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fireworks;

(24) To establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures

within its corporate limits as the safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in safe condition;

(25) To regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained;

(26) To deepen, widen, dock, cover, wall, alter, or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, slips, public landing places, wharves, docks, and levees, and to control and regulate the use thereof;

(27) To control, regulate, or prohibit the anchorage, moorage, and landing of all watercrafts and their cargoes within the jurisdiction of the corporation;

(28) To fix the rates of wharfage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States;

(29) To license, regulate, control, or restrain wharf boats, tugs, and other boats used about the harbor or within such jurisdiction;

(30) To require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances, for the cleaning and purification of watercourses and canals, for the drainage and filling up of ponds on private property within its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control, and to prevent and punish, the defilement or pollution of all streams running through or into its corporate limits, and for the distance of five miles beyond its corporate limits, and on any stream or lake from which the water supply of said city is taken, for a distance of five miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits which may be so kept as to become offensive to the senses or dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose;

(31) To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist;

(32) To regulate the selling or giving away of intoxicating, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state: *Provided*, That no license shall be granted

to any person or persons who shall not first comply with the general laws of the state in force at the time the same is granted;

(33) To grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same: *Provided*, That no license shall be granted to continue for longer than one year from the date thereof;

(34) To regulate the carrying on within its corporate limits of all occupations which are of such a nature as to affect the public health or the good order of said city, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them;

(35) To restrain and provide for the punishment of vagrants, mendicants, prostitutes, and other disorderly persons;

(36) To provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city; but such punishment shall in no case exceed the punishment provided by the laws of the state for misdemeanors;

(37) To project or extend its streets over and across any tidelands within its corporate limits, and along or across the harbor areas of such city, in such manner as will best promote the interests of commerce;

(38) To provide in their respective charters for a method to propose and adopt amendments thereto.

**35.22.290 Additional powers—Auditoriums, art museums.** Every city of the first class may lease, purchase, or construct, and maintain public auditoriums and art museums and may use and let them for such public and private purposes for such compensation and rental and upon such conditions as shall be prescribed by ordinance; it may issue negotiable bonds for the purchase and construction thereof on such conditions and in such manner as shall be prescribed by its charter and by general law for the borrowing of money for corporate purposes.

**35.22.300 Leasing of land for auditoriums, etc.** If a city of the first class has acquired title to land for public auditoriums or art museums, it may let it or any part thereof, together with the structures and improvements constructed or to be constructed thereon for such term as may be deemed proper and may raise the needed funds for financing the project, in whole or in part, by transferring

or pledging the use and income thereof in such manner as the corporate authorities deem proper.

Any lessee under any such lease may mortgage the leasehold interest and may issue bonds to be secured by the mortgage and may pledge the rent and income of the property to accrue during the term of the lease or any part thereof for the due financing of the project: *Provided*, That the corporate authorities may specify in any such lease such provisions and restrictions relating thereto as they shall deem proper.

**35.22.310 Cesspools, filling of—Removal of debris, etc.** Every city of the first class is empowered to provide for the filling and closing of cesspools and for the removing of garbage, debris, grass, weeds, and brush on property in the city.

**35.22.320 Collection of cost of filling cesspools, etc.** Every city of the first class by general ordinance may prescribe the mode and manner of assessing, levying and collecting assessments upon property for filling and closing cesspools thereon and removing garbage, debris, grass, weeds, and brush and provide that the charges therefor shall be a lien on the property upon which such work is done and collected in such manner as is prescribed in the ordinance.

**35.22.330 Radio communication.** Every city of the first class maintaining a harbor department may install, maintain, and operate in connection therewith wireless telegraph stations for the handling of official and commercial messages and for communicating with wireless land and shore stations under such regulations as the corporate authorities may prescribe and in accordance with the statutes and regulations of the federal government.

**35.22.340 Streets—Railroad franchises in, along, over and across.** Every city of the first class may by ordinance authorize the location, construction, and operation of railroads in, along, over, and across any highway, street, alley, or public place in the city for such term of years and upon such conditions as the city council may by ordinance prescribe notwithstanding any provisions of the city charter limiting the length of terms of franchises or requiring franchises to contain a provision granting the city the right to appropriate by purchase the property of any corporation receiving a franchise, license, privilege, or authority: *Provided*, That this does not apply to street railroads nor to railroads operated in connection with street railroads in and along the streets of such city.

**35.22.350 Utilities—Collective bargaining with employees.** Every city of the first class which owns and operates a waterworks system, a light and power system, a street railway or other public utility, shall have power, through its proper officers, to deal with and to

enter into contracts for periods not exceeding one year with its employees engaged in the construction, maintenance, or operation thereof through the accredited representatives of the employees including any labor organization or organizations authorized to act for them concerning wages, hours and conditions of labor in such employment, and every city having not less than one hundred forty thousand nor more than one hundred and seventy thousand population is empowered and authorized to immediately place in effect any adjustment or change in such wages, hours and conditions of labor of such employees as may be required to conform to the provisions of any such contract, irrespective of the provisions of any annual budget or act relating thereto: *Provided*, That not more than one such contract not in conformity with any annual budget shall be made during any budget year, nor shall any such adjustment or change be made which would result in an excess of expenditures over revenues of such public utility.

**35.22.360 Utilities—Wage adjustments.** Notwithstanding any annual budget or statute relating thereto, any city of the first class owning and operating a public utility, or the city's public utility department, may make an adjustment or change of the rate of daily wages of employees of any such public utility if such adjustment or change is accompanied by or is approximately coincidental with a shortening of the work week of the employees and if the adjustment or change will not result in any increase in pay per week, or excess of expenditures of the public utility over its revenues.

**35.22.370 Wards—Division of city.** Notwithstanding that the charter of a city of the first class may forbid the city council from redividing the city into wards except at stated periods, if the city has failed to redivide the city into wards during any such period, the city council by ordinance may do so at any time thereafter: *Provided*, That there shall not be more than one redivision into wards during any one period specified in the charter.

**35.22.380 Water system—Improvement or extension.** If any plan, system, or proposed extension adopted by a city of the first class for furnishing a city water supply is thereafter deemed insufficient or inadequate for any reason, the city council may determine the fact by resolution and thereupon by ordinance submit to the voters a new plan or system or a proposed change in the adopted plan, system, or extension clearly specified in general terms in the ordinance, and stated upon the ballot in general terms sufficiently clear for common understanding.

**35.22.390 Water system—Submission of plan to voters—Notice.** Such new plan or system of water supply in lieu of, or proposed changes in, a plan, system, or extension previously adopted shall

be submitted at a general or special election for ratification or rejection. Notice thereof shall be given by publication at least thirty days before the election in the paper doing the city printing.

**35.22.400 Water system—Funds available for new plan.** If three-fifths of the votes cast upon the proposition of adopting a new plan or system of water supply in lieu of, or proposed changes in, a plan, system, or extension previously adopted, favor it, the fund devoted to the original plan, system, or extension may be used for the new plan, system, or extension adopted in lieu of or the changed plan, system, or extension as the case may be.

**35.22.410 Wharves—City may let wharves or privileges thereon.** Every city of the first class may let the whole or any part of a wharf, or the privileges thereon owned by the city, for periods not to exceed one year in such manner, and upon such terms, as may be prescribed by a general ordinance.

**35.22.420 Designation of police judge—Additional judge—Traffic cases segregated.** The mayor of each city of the first class shall, within ten days after the justices of the peace are elected at the quadrennial election appoint one of the justices of the peace elected thereat as police justice or police judge, who shall be designated as municipal judge of such city, and who shall, before entering upon the duties of his office as municipal judge, give such additional bond for the faithful performance of his duties as the legislative authority of the city may by ordinance direct. Any such city may by ordinance provide for one additional municipal judge appointive in like manner as above provided, and who, upon appointment and qualification, shall enjoy all the powers and perform all the duties imposed upon police judges by law, and who shall, before entering upon the duties of municipal judge, give such bond for the faithful performance of his duties as municipal judge as the legislative authority of the city may by ordinance direct.

Such additional municipal judge may appoint a clerk who shall be paid such salary out of the funds of the city as may be provided by ordinance. A suitable place for holding court by such additional municipal judge shall be provided and maintained by the city. The salary of such additional municipal judge shall be fixed by ordinance and paid wholly by the city in equal monthly installments in addition to his salary as justice of the peace.

This section is intended to authorize cities of the first class to expedite the handling of traffic offense cases under the laws thereof, and the mayor, in making appointments of municipal judges shall designate which of the judges shall be primarily responsible for the handling of city traffic cases, the trial of which in such cities



shall, so far as practicable, be segregated from other municipal court trials.

**35.22.430 Salary of police judge.** The salary of a police judge to be paid in addition to the salary paid to justices of the peace in cities of the first class, shall be fixed by the city council by ordinance and such additional salary shall be paid wholly out of the funds of the city, in equal monthly installments. The city shall provide a suitable place for holding court by such police judge and pay all the expenses of maintaining it.

**35.22.440 Clerk for police judge.** The police judge of such city shall have power at any time to appoint a clerk to assist him in clerical work incidental to the performance of his duties, who shall be paid such salary out of the funds of the city as the city council may by ordinance determine.

**35.22.460 Jurisdiction of police judge.** The police judge in cities of the first class, in addition to his powers as justice of the peace, shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license, penalty, or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and pronounce judgment in accordance therewith and full power to issue all warrants and process necessary to effectuate the ordinances of the city. Such police judge shall have jurisdiction to impose a fine of not to exceed three hundred dollars or imprisonment not to exceed ninety days, or both such fine and imprisonment, in all cases where such penalty shall be prescribed by ordinance. In the trial of actions brought for violating any city ordinance, no jury shall be allowed.

**35.22.470 Regulation of disorderly conduct, etc.** Any city of the first class shall have power by ordinance to provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits; to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city; to provide for the imposition by police judges of a fine not to exceed three hundred dollars or imprisonment not to exceed ninety days, or both such fine and imprisonment.

**35.22.480 Precedence of cases.** Such police judge shall in the conduct of the business of the court give preference to cases arising under ordinances of the city; then to prosecutions for violation of

the criminal laws of the state of Washington within the city; then to civil causes coming before him upon change of venue from another justice of the peace in the city. No change of venue shall be allowed from such police judge in actions brought for violations of city ordinances.

**35.22.490 Criminal process.** All criminal process issued by such police judge shall be in the name of the state of Washington and run throughout the state, be directed to the chief of police, marshal or other police officer of any city or to any sheriff or constable in the state and shall be served by him.

**35.22.500 Prosecutions in name of city.** All prosecutions for the violation of any city ordinance shall be conducted in the name of the city, and may be upon the complaint of any person.

**35.22.510 Costs and fees.** In all civil and criminal cases arising from the violations of city ordinances tried by such police judge he shall charge up as costs in each case the same fees as are charged by justices of the peace for like services in every action, and all fees so charged and collected by, and all fines and forfeitures paid to, such police judge shall belong to and be paid over by him weekly, to the city.

**35.22.520 Police judge pro tempore.** In case of the temporary absence or inability of the police judge to act, the mayor shall appoint, from among the practicing attorneys qualified electors of the city, a police judge pro tempore, who, before entering upon the duties as such, shall take and subscribe an oath as other judicial officers and while so acting he shall have all the powers of the police judge: *Provided*, That such appointment shall not continue for a longer period than the absence or disability of the police judge. Such police judge pro tempore to receive such compensation as shall be fixed by ordinance of the legislative body of the city, to be paid by the city.

**35.22.530 Appeal from police court—Procedure.** All civil or criminal proceedings before such police judge and judgment rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal.

The appeal shall be to the superior court of the county in which the police court is located and shall be taken by orally giving notice thereof in open court at the time the judgment is rendered or by serving a copy of a written notice thereof upon the corporation counsel or city attorney and filing the original thereof with acknowledgment or affidavit of service with the police judge within ten days after the judgment was pronounced. After notice of appeal is given as herein required, appellant shall diligently prosecute his

appeal and, within thirty days from the date of entry of judgment, shall file with the clerk of the superior court a transcript duly certified by the police judge, furnished by such police judge without charge, and containing a copy of all written pleadings and docket entries of the police court. Within ten days after the transcript is filed, appellant shall note the case for trial. The case shall be set for trial at the earliest open date thereafter and the clerk of the court shall, in writing, notify the corporation counsel or city attorney of the date thereof.

**35.22.540 Dismissal of appeal—Effect.** If appellant fails to proceed with the appeal within the time and manner herein provided, the superior court shall upon the motion of the city dismiss the appeal if the transcript has been there filed, otherwise the police judge shall do so. Upon dismissal of the appeal for failure of appellant to proceed diligently with the appeal and as herein required, or for any other cause, the judgment of the police court shall be enforced by the police judge. If, at the time of such dismissal, cash deposit or appeal bond as hereinafter required has been furnished and is in custody of the superior court, the same shall be returned to the police judge. The police judge shall have power to forfeit the cash bail or bail bond and issue execution thereon for breach of any condition under which it is furnished.

**35.22.550 Bond on appeal—Transcript, etc.** Appellant shall be committed to the city jail until he shall recognize or give bond to the state, in such reasonable sum with such sureties as said police judge may require; that he will diligently prosecute the appeal and within thirty days after the entry of the judgment in the police court file with the clerk of the superior court a transcript duly certified by the police judge containing a copy of all the records and proceedings in the police court; that he will within ten days after the same is filed in the superior court note the case for trial, will appear at the court appealed to and comply with any sentence of the superior court, and will, if the appeal is dismissed for any reason, comply with the sentence of the police judge. Whenever the transcript of the appeal is filed in the superior court, and any cash bail or bail bond has been filed with the police judge, he shall transfer the same to the superior court in which the appeal is pending, there to be held pending disposition of the appeal; and shall also deliver to said court any exhibits introduced in evidence in the trial before the police judge, which exhibits may be offered in evidence if a trial is had in the superior court, otherwise to be returned to custody of the police judge.

**35.22.560 Trial in superior court—Costs—Further appeal.** In the superior court the trial shall be de novo, subject, however, to the

right of the city to file an amended complaint therein. If the defendant be convicted in the superior court he shall be sentenced anew by the superior court judge with a fine of not to exceed three hundred dollars or imprisonment in the city jail not to exceed ninety days, or by both such fine and imprisonment. Neither the city nor the appellant shall be required to pay in advance any fee for filing or prosecuting the appeal, but if the appellant is convicted he may be required, as a part of the sentence to pay the costs of prosecution, to be taxed in the amount and manner of costs in criminal prosecutions in the superior court. If the appellant be acquitted he shall have judgment against the city for his costs to be fixed and taxed in the same manner. Appeal shall lie to the supreme court as in other criminal cases in the superior court.

**35.22.570 Omnibus grant of powers to first class cities.** Any city adopting a charter under the provisions of this chapter shall have all the powers which are conferred upon incorporated cities and towns by this title or other laws of the state, and all such powers as are usually exercised by municipal corporations of like character and degree.

**35.22.580 Diversion of local improvement moneys prohibited—Refund of excess.** Whenever any city of the first class shall levy and collect moneys by sale of bonds or otherwise for any local improvement by special assessment therefor, the same shall be carried in a special fund to be used for said purpose, and no part thereof shall be transferred or diverted to any other fund or use: *Provided*, That any funds remaining after the payment of the whole cost and expense of such improvement, in excess of the total sum required to defray all the expenditures by the city on account thereof, shall be refunded on demand to the amount of such overpayment: *Provided further*, That this section shall not be deemed to require the refunding of any balance in any local improvement fund after the payment of all outstanding obligations issued against such fund, where such balance accrues from any saving in interest or from penalties collected upon delinquent assessments, but any such balance may be turned into the general fund or otherwise disposed of, as the legislative authority of such city may direct by ordinance. The provisions of this section relating to the refund of excess local improvement district funds shall not apply to any district whose obligations are guaranteed by the local improvement guaranty fund.

**35.22.590 Bonds voted by people—Transfer of excess to redemption fund.** Whenever the issuance or sale of bonds or other obligations of any city of the first class has been authorized by vote of the people, as provided by any existing charter or laws, for any special improvement or purpose, the proceeds of the sale of such bonds

including premiums if any shall be carried in a special fund to be devoted to the purpose for which such bonds were authorized, and no portion of such bonds shall be transferred or diverted to any other fund or purpose: *Provided*, That nothing herein shall be held to prevent the transfer to the interest and redemption fund of any balance remaining in the treasury after the completion of such improvement or purpose so authorized: *Provided further*, That nothing herein shall prevent the city council from disposing of such bonds, or any portion thereof, in such amounts and at such times as it shall direct, but no such bonds shall be sold for less than par.

**35.22.600 Liability for violations of RCW 35.22.580 or 35.22.590.** Any ordinance, resolution, order or other action of any city council, board or officer, and every city warrant or other instrument in writing made in violation of any of the provisions of RCW 35.22.580 or 35.22.590 shall be void, and every officer, agent or employee of any such city, or member of the city council, or other board thereof, and every private person or corporation who knowingly commits any violation thereof or knowingly aids in such violation, shall be liable to the city concerned for all moneys so transferred, diverted or paid out, which liability shall also attach to and be enforceable against the official bond (if any) of any such officer, agent, employee, member of city council or board.

**35.22.900 Liberal construction.** The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this chapter, but the same shall be liberally construed for the purpose of carrying out the objects for which this chapter is intended.

## Chapter 35.23

### SECOND CLASS CITIES

**35.23.010 Rights, powers and privileges. Exchange of park purpose property.** Every city of the second class shall be entitled "City of ....." (naming it), and by such name shall have perpetual succession; may sue and be sued in all courts and in all proceedings; shall have and use a common seal which it may alter at pleasure; may acquire, hold, lease, use and enjoy property of every kind and control and dispose of it for the common benefit; and, upon making a finding that any property acquired for park purposes is not useful for such purposes and that an exchange thereof for other property to be dedicated for park purposes is in the public interest, may, with the consent of the dedicator or donor, his heirs, successors or assigns, exchange such property for other property to

be dedicated for park purposes and make, execute and deliver proper conveyances to effect the exchange. In any case where owing to death or lapse of time there is neither donor, heir, successor, nor assigns to give consent to the exchange, then this consent may be executed by the grantee. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes.

**35.23.020 Elective officers.** The elective officers of a city of the second class shall consist of a mayor, twelve councilmen, a city clerk, a city treasurer, and a police judge: *Provided*, That in any such city operating under a commission form of government the police judge shall be appointed by the mayor.

**35.23.030 Eligibility to hold elective office.** No person shall be eligible to hold any elective office in any city of the second class unless he is a registered voter therein and has resided therein for at least one year next preceding the date of his election.

**35.23.040 Elections—Terms of office.** A general municipal election shall be held biennially in second class cities not operating under the commission form of government and shall be held on the Tuesday following the first Monday in November of each odd-numbered year, except as provided in RCW 29.13.020 and 29.13.030.

The term of office of mayor, city clerk, city treasurer and councilmen in such cities shall be four years, and until their successors are elected and qualified, but not more than six councilmen shall be elected in any one year to fill a full term. The term of office of police judge shall be two years and until his successor is elected and qualified.

**35.23.050 Conduct of elections.** All municipal elections held under the provisions of this chapter shall be conducted according to the general election laws of this state, as far as practicable: *Provided*, That any qualified voter of such city, duly registered for the general county or state election next preceding any municipal election, general or special, shall be qualified to vote at such municipal election. No person shall be qualified to vote at such election unless he is a qualified elector of the county and has resided in such city for at least thirty days next preceding such election.

**35.23.070 Contested elections.** The city council as constituted at the time of election, or as it may be constituted between that date and the first Monday of January following, shall hear and determine any and all contested elections of any and all city offices. The city council shall have power by general ordinance to prescribe rules and regulations for the hearing of contested elections of city officers,

but proceedings before the city council in cases of contested elections shall conform as near as may be to the provisions of the general election laws, relating to contested elections.

**35.23.080 Mayor—General duties.** The mayor shall be the chief executive officer of the city. He shall:

- (1) Have general supervision over the several departments of the city government and over all its interests;
- (2) Preside over the city council when present;
- (3) Once in three months, submit a general statement of the condition of the various departments and recommend to the city council such measures as he may deem expedient for the public health or improvement of the city, its finances or government;
- (4) Countersign all warrants and licenses, deeds, leases and contracts requiring signature issued under and by authority of the city.

If there is a vacancy in the office of mayor or he is absent from the city, or is unable from any cause to discharge the duties of his office, the president of the council shall act as mayor, exercise all his powers and be subject to all his duties.

**35.23.090 City clerk—Duties.** The city clerk shall:

- (1) Keep the corporate seal and all papers and documents belonging to the city and file them in his office under appropriate heads;
- (2) Attend the sittings of the city council, and keep a journal of its proceedings and records of its resolutions and ordinances;
- (3) Sign all warrants and licenses issued pursuant to the orders and ordinances of the city council and affix the corporate seal to the licenses;
- (4) Sign all deeds, leases, contracts, bonds and other documents when authorized by the council;
- (5) Keep an accurate account in a suitable book under the appropriate heads of all expenditures, of all orders drawn upon the city treasurer and of all warrants issued in pursuance thereof;
- (6) Keep an account in an appropriate book of all licenses issued, with the names of the persons to whom issued, the date of issue, the time for which they were granted and the sums paid therefor;
- (7) Perform such other duties as he may be required to perform by statute or by ordinance.

**35.23.100 Clerk may take acknowledgments.** The clerk or deputy clerk of any second class city shall, without charge, take acknowledgments and administer oaths required by law on all claims and demands against the city.

**35.23.110 City treasurer—Duties.** The city treasurer shall:

- (1) Receive and safely keep all money belonging to the city from whatever source derived;
- (2) Place it to the credit of the different funds to which it belongs in a book kept for that purpose;
- (3) Disburse the funds of the city by direction of the council as authorized by law;
- (4) Report monthly to the city council the condition of the treasury.

**35.23.120 Appointive officers.** The appointive officers of a city of the second class shall be a chief of police, city attorney, health officer, and street commissioner; the council may also create by ordinance the offices of superintendent of irrigation, city engineer, harbor master, pound keeper, city jailer, chief of the fire department, and any other offices necessary to discharge the functions of the city and for those whose election or appointment no other provision is made. If a paid fire department is established therein a chief engineer and one or more assistant engineers may be appointed. If a free library and reading room is established therein five library trustees shall be appointed. The council by ordinance shall prescribe the duties of the officers and fix their compensation subject to the provisions of any statutes pertaining thereto.

**35.23.130 Chief of police and police force.** The police force of a second class city shall consist of a chief of police and such number of policemen as shall from time to time be fixed and determined by the city council.

The mayor with the consent of the council, shall appoint the policemen and all subordinate officers of the city and may, for cause, remove them with the consent of the council, as in this chapter provided.

**35.23.132 Police officers—Hot pursuit.** Police officers of cities of the second class may pursue and arrest violators of city ordinances beyond the city limits.

**35.23.140 City attorney—Duties.** The city attorney shall be the legal advisor of the city council and of all the officers of the city in relation to matters pertaining to their respective offices. He shall represent the city in all litigation in all courts in which the city is a party or directly interested and shall prosecute all violations of city ordinances and shall act generally as attorney for the city and the several departments of the city government, and he shall perform such other duties as the city council may direct.



**35.23.150 Health officer.** The city council shall create the office of city health officer, prescribe his duties and qualifications and fix his compensation.

**35.23.160 Street commissioner.** The street commissioner under the direction of the mayor and city council shall have control of the streets and public places of the city and shall perform such duties as the city council may prescribe.

**35.23.170 Park commissioners.** City councils of cities of the second, third and fourth class may provide by ordinance, for a board of park commissioners, not to exceed three in number, to be appointed by the mayor, with the consent of the city council, from citizens of recognized fitness for such position. No person shall be ineligible as a commissioner by reason of sex and no commissioner shall receive any compensation. The first commissioners shall determine by lot whose term of office shall expire each year, and a new commissioner shall be appointed annually to serve for a term of years corresponding in number to the number of commissioners in order that one term shall expire each year. Such board of park commissioners shall have only such powers and authority with respect to the management, supervision, and control of parks and recreational facilities and programs as are granted to it by the legislative body of cities of the second, third, and fourth class.

**35.23.180 Appointment of officers—Confirmation.** The mayor shall appoint all the appointive officers of the city subject to confirmation by the city council. If the council refuses to confirm any nomination of the mayor, he shall nominate another person for that office within ten days thereafter, and may continue to so nominate until his nominee is confirmed. If the mayor fails to make another nomination for the same office within ten days after the rejection of a nominee, the city council shall elect a suitable person to fill the office during the term. The affirmative vote of not less than seven councilmen is necessary to confirm any nomination made by the mayor.

**35.23.190 Oath and bond of officers.** Before entering upon his duties and within ten days after receiving notice of his election or appointment every officer of the city shall qualify by taking the oath of office and by filing such bond duly approved as may be required of him. If no notice of election or appointment was received, the officer must qualify on or before the date fixed for the assumption by him of the duties of the office to which he was elected or appointed. The city council shall fix the amount of all official bonds and may designate what officers shall be required to give bonds in addition to those required to do so by statute.

The clerk, treasurer, city attorney, chief of police, police judge and street commissioner shall each execute an official bond in such penal sum as the city council by ordinance may determine, conditioned for the faithful performance of their duties, including in the same bond the duties of all offices of which he is the ex officio incumbent.

All official bonds shall be approved by the city council and when so approved shall be filed with the city clerk except the city clerk's which shall be filed with the mayor. No city officer shall be eligible as a surety upon any bond running to the city as obligee.

The city council may require a new or additional bond of any officer whenever it deems it expedient.

**35.23.200 Deputies.** The chief of police, the city attorney and the city clerk may each, with the approval of the city council, appoint such deputies as may be necessary by a written designation filed with the clerk. The compensation of each deputy shall be fixed by the city council. The deputies under the direction of their principal shall perform such duties as the council may prescribe. The principals shall be responsible for their respective deputies and may revoke their appointments at pleasure.

**35.23.210 Removal of appointive officers.** Subject to applicable civil service laws any appointive officer may be removed:

(1) By the mayor for any cause by him deemed sufficient by and with the concurrence of the vote of at least six members of the city council: *Provided*, That the chief of police may be removed by the mayor without the concurrence of the city council; or

(2) By the affirmative vote of nine councilmen upon their own initiative.

**35.23.220 Salaries of officers.** The city council shall fix the salary of all officials (except library trustees who shall serve without compensation and any other officer where provision is made by this title that such officer shall serve without compensation).

No officer's salary or compensation shall be increased or diminished during his term of office, nor shall any officer be allowed any extra or additional compensation, either directly or indirectly, for the rendition of services that the city council have authority to require of him by virtue of his office.

The salaries of all city officers shall be paid monthly.

**35.23.230 Restrictions on official conduct.** In addition to any other restrictions upon his official conduct imposed by law, no officer of a city of the second class shall:

(1) Accept from any railroad or street railway corporation, operating in whole or in part within the city, any pass or free trans-

portation or transportation upon any terms save such as are open to the public generally: *Provided*, That this provision shall not apply to police officers while on duty;

(2) Accept or receive, directly or indirectly, any commodity or thing of value from any public service corporation owning or enjoying a franchise granted by the city, free of charge or upon any terms save such as are open to the public generally.

The violation of any of the provisions of this section by any officer shall work a forfeiture of his office and warrant his removal therefrom by impeachment or other proper procedure and subject to forfeiture and recovery by judgment against him of all sums of money paid him as salary during the term in which the violation was committed up to the time of the recovery of judgment against him therefor. A civil action for the salary so forfeited may be commenced at any time in the name of the city in any court of competent jurisdiction.

**35.23.240 Vacancies.** If anyone either elected or appointed to office fails for ten days to qualify as required by law or fails to enter upon his duties at the time fixed by law or the orders of the city council, his office shall become vacant; or if such officer absents himself from the city without the consent of the city council for three consecutive weeks or openly neglects or refuses to discharge his duties, the council may declare his office vacant: *Provided*, That this penalty for absence from the city shall not apply to such officers as serve without compensation.

If a vacancy occurs by reason of death, resignation, or otherwise in the office of mayor or councilman, the city council shall fill the vacancy until the next general municipal election.

If a vacancy occurs by reason of death, resignation, or otherwise in any other office it shall be filled by appointment of the mayor and confirmed by the council in the same manner as other appointments are made.

**35.23.250 City council—How constituted.** The mayor and twelve councilmen shall constitute the city council and at their first meeting after taking office the city council shall elect one of their own body to serve as president of the council. The mayor shall preside at all meetings at which he is present. In the absence of the mayor, the president of the council shall preside. In the absence of both the mayor and the president of the council, the council may elect a president pro tempore from its own body or any other elector of the city may be elected president pro tempore. The president pro tempore shall have all the powers of the president of the council during the session of the council at which the president pro tempore is

presiding except that if he is not a member of the council he shall have no vote.

**35.23.260 City council—Meetings.** The city council of a city of the second class shall hold regular meetings at least once every three weeks but not oftener than once per week, the time and place to be prescribed by ordinance. Special meetings may be called by the mayor at any time and he shall call one upon the written request of four councilmen. Written notice of the time and place of special meetings stating the purpose thereof must be given to each member by handing it to him personally, or by leaving it at his last and usual place of abode or by leaving it at his place of business during business hours. The sittings of the council shall be open to the public except where the interests of the city require secrecy. No ordinance of any kind nor any resolution or order for the payment of money shall be passed at any time other than at a regular meeting of the council.

**35.23.270 City council—Quorum—Rules—Journal, etc.** A majority of the councilmen shall constitute a quorum for the transaction of business. A less number may compel the attendance of absent members and may adjourn from time to time. The council shall determine its rules of proceedings. The council may punish their members for disorderly conduct and upon written charges entered upon the journal therefor, may, after trial, expel a member by two-thirds vote of all the members elected. All orders of the city council shall be entered upon the journal of its proceedings, which journal shall be signed by the officer who presided at the meeting. The journal shall be kept by the clerk under the council's direction.

**35.23.280 City council—Presiding officer—Voting rights.** The mayor shall have a vote only in the case of a tie in the votes of the councilmen. The president of the council while presiding or the president pro tempore, if a councilman, shall have the right to vote upon all questions coming before the council.

A majority of all the members elected shall be necessary to pass any ordinance appropriating for any purpose the sum of five hundred dollars or upwards or any ordinance imposing any assessment, tax, or license or in any wise increasing or diminishing the city revenue.

**35.23.290 City council—Entry of ayes and noes on journal.** At any time, at the request of any two members the ayes and noes on any question may be taken and entered upon the journal and they must be so taken and entered upon the passage of all ordinances appropriating money, imposing taxes, abolishing licenses, increasing or lessening the amount to be paid for licenses.

**35.23.300 Ordinances—Style—Veto power of mayor.** The style of the city ordinances shall be as follows: "Be it ordained by the mayor and city council of the city of ....." They shall be passed by the city council and signed by the mayor, if he approves them; if he does not approve them, he shall return them to the city clerk's office with his objections in writing within eight days after their submission to him, and at the first meeting of the city council thereafter, the objection shall be entered on their journal and they shall then reconsider the ordinance whereupon unless at least two-thirds of the councilmen elected vote for its passage, it shall not become law. If the mayor does not return an ordinance within eight days of its submission to him, it shall become law without his signature.

**35.23.310 Ordinances—Publication—Copy as evidence.** Before any ordinance shall take effect, it shall be published in one issue of the official newspaper of the city. A certified copy of any ordinance certified to by the clerk, or a printed copy of any ordinance or compilation printed by authority of the city council and attested by the clerk shall be competent evidence in any court.

**35.23.320 Ordinances—Penalty for breach—Inhabitant not disqualified as judge, juror, etc.** The interest which an inhabitant of a city of the second class may have in a penalty for the breach of a bylaw or ordinance of such city shall not disqualify such inhabitant to act as judge, juror, or witness in any prosecution to recover the penalty.

**35.23.330 Limitation on allowance of claims, warrants, etc.** No claim shall be allowed against the city by the city council, nor shall the city council order any warrants to be drawn except at a general meeting of the council. The council shall never allow, make valid, or recognize any demand against the city which was not a valid claim against it when the obligation was created, nor authorize to be paid any demand which without such action would be invalid or which is then barred by the statute of limitations, or for which the city was never liable, and any such action shall be void.

**35.23.340 Damage claims—Allowance of.** All claims for damages against a second class city must be filed with the city clerk within ninety days from the date the damage occurred or the injury was sustained: *Provided*, That claims for damages arising from an alleged defective sidewalk must be filed within thirty days from the date the damage occurred or the injury was sustained. No action for any claim for damages shall be maintained against a city of the second class until it has been presented to the council and until sixty days have elapsed after such presentation. The allowance of

any damage claim against the city must be by ordinance and not otherwise.

**35.23.352 Contracts, purchases, advertising—Call for bids—Exceptions.** Any city or town of the second, third or fourth class may construct any public work or improvement by contract or day labor without calling for bids therefor whenever the estimated cost of such work or improvement, including cost of materials, supplies and equipment will not exceed the sum of five thousand dollars. Whenever the cost of such public work or improvement, including materials, supplies and equipment, will exceed five thousand dollars, the same shall be done by contract after a call for bids which shall be awarded to the lowest responsible bidder. Notice of the call for bids shall be given by posting notice thereof in a public place in the city or town and by publication in the official newspaper once each week for two consecutive weeks before the date fixed for opening the bids. If there is no official newspaper the notice shall be published in a newspaper published or of general circulation in the city or town. The city council or commission of the city or town shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call, or if in its judgment the improvement or work, including the purchase of supplies, material and equipment, can be done by the city at less cost than the lowest bid submitted it may do so without making a further call for bids or awarding any contract therefor. If no bid is received on the first call the city council or commission may re-advertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform such work or improvement by day labor.

Any purchase of supplies, material, equipment or services, except for public work or improvement, where the cost thereof exceeds two thousand dollars shall be made upon call for bids in the same method and under the same conditions as required herein on a call for bids for public work or improvement.

Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper published or of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

**35.23.353 ———Purchases relating to garbage collection and disposal.** Any purchase by a municipality of the second, third or fourth class of supplies, material, equipment or services for garbage collection and disposal, except for public work or improvement, where the cost thereof exceeds two thousand dollars shall be made upon call for bids in accordance with the procedure prescribed for

any public work or improvement in the first paragraph of RCW 35.23.352 as now or hereafter amended. Notwithstanding any provision of law to the contrary, any municipality of the second, third or fourth class may call for bids for garbage collection and disposal for a period of five years or less but in no case for more than five years. The contract shall be awarded to the lowest responsible bidder. Nothing in this section is intended to repeal, amend or change RCW 35.13.280 as now or hereafter amended.

**35.23.370 Eight-hour day on public work.** In all public work done by or for a city of the second class, either by day work or by contract, eight hours shall constitute a day's work; and no employee of the city on city works, or of any contractor or subcontractor doing work for the city shall be required to work longer than eight hours in any one calendar day. This section shall be enforced by the city council in an appropriate ordinance.

**35.23.380 Exclusive franchises prohibited.** No exclusive franchise or privilege shall be granted for the use of any street, alley, highway, or public place or any part thereof.

**35.23.390 Requisites to granting of franchises—Rates—Bond.** No franchise or privilege shall be created or granted by the city council otherwise than by ordinance nor shall it be passed on the day of the introduction nor for thirty days thereafter and then only upon the affirmative vote of two-thirds of the councilmen elected. The city council may fix the rates and tolls to be charged within the city by any public service corporation enjoying a franchise granted by the city subject to review by any court of competent jurisdiction as to the reasonableness thereof. The city council may require a bond in a reasonable amount from any person or corporation obtaining a franchise from the city conditioned for the faithful performance of the conditions and terms of the franchise and providing a recovery on the bond in case of failure to perform the terms and conditions of the franchise.

**35.23.400 Franchise ordinances—Publication before passage.** No ordinance granting a franchise or privilege and no ordinance amending a prior ordinance granting a franchise or privilege shall be passed until it has been published in at least one issue of the official newspaper of the city: *Provided*, That ordinances or amendments thereto granting a franchise to lay spur railroad tracks connecting manufacturing plants, warehouses, or other private property with a main line of railroad need not be published before they are passed by the council. No ordinance required to be published before passage shall be amended after publication by an amendment which imposes terms, conditions, or privileges less favorable to the city

than those in the proposed ordinance as published, but amendments favorable to the city may be made at any time before passage.

All publications of ordinances granting a franchise or ordinance amending ordinances granting a franchise, both before and after passage shall be made at the expense of the applicant or proposed grantee.

**35.23.410 Leasing of street ends on waterfront.** The city council may lease for business purposes portions of the ends of streets terminating in the waterfront or navigable waters of the city with the written consent of all the property owners whose properties abut upon the portion proposed to be leased. The lease may be made for any period not exceeding fifteen years but must provide that at intervals of every five years during the term, the rental to be paid by the lessee shall be readjusted between him and the city by mutual agreement, or if they cannot agree by a board of arbitration, one to be chosen by the city, one by the lessee and the third by the other two, their decision to be final. The vote of two-thirds of all the councilmen elected is necessary to authorize such a lease.

**35.23.420 Notice of lease to be published before execution.** No lease of a portion of the end of a street terminating in the waterfront or navigable waters of the city shall be made until a notice describing the portion of the street proposed to be leased, to whom and for what purpose leased and the proposed rental to be paid has been published by the city clerk in the official newspaper at least fifteen days prior to the execution of the lease.

**35.23.430 Railroads in streets to be assessed for street improvement.** If an improvement is made upon a street occupied by a street railway or any railroad enjoying a franchise on the street, the city council shall assess against the railroad its just proportion of making the improvement which shall be not less than the expense of improving the space between the rails of the railroad and for a distance of one foot on each side. The assessment against the railroad shall be made on the rolls of the improvement district the same as against other property in the district and shall be a lien on that portion of the railroad within the district from the time of the equalization of the roll. The lien may be foreclosed by a civil action in superior court and the same period of redemption from any sale on foreclosure shall be allowed as is allowed in cases of sale of real estate upon execution.

**35.23.440 Specific powers enumerated.** The city council of each second class city shall have power and authority:

(1) Ordinances: To make and pass all ordinances, orders and resolutions not repugnant to the Constitution of the United States



or the state of Washington, or the provisions of this title, necessary for the municipal government and management of the affairs of the city, for the execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this title.

(2) License of shows: To fix and collect a license tax, for the purposes of revenue and regulation, on theatres, melodeons, balls, concerts, dances, theatrical, circus or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also all shows, billiard tables, pool tables, bowling alleys, exhibitions, or amusements.

(3) Hotels, etc., licenses: To fix and collect a license tax for the purposes of revenue and regulation on and to regulate all taverns, hotels, restaurants, banks, brokers, manufactories, livery stables, express companies and persons engaged in transmitting letters or packages, railroad, stage and steamboat companies or owners, whose principal place of business is in such city, or who have an agency therein.

(4) Auctioneers' licenses: To license and regulate auctioneers for the purposes of revenue and regulation.

(5) Peddlers', etc., licenses: To license, for the purposes of revenue and regulation, tax, prohibit, suppress and regulate all raffles hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths or sheds; and to regulate as authorized by state law all tippling houses, dram shops, saloons, bars and barrooms.

(6) Dance houses: To prohibit or suppress, or to license and regulate all dance houses, fandango houses, or any exhibition or show of any animal or animals.

(7) License vehicles: To license for the purposes of revenue and regulation, and to tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage and property.

(8) Hotel runners: To license or suppress runners for steamboats, taverns, or hotels.

(9) License generally: To fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: *Provided*, That on any business, trade, or calling not provided by law to be licensed for state and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require.

(10) Riots: To prevent and restrain any riot or riotous assem-

blages, disturbance of the peace or disorderly conduct in any place, house or street in the city.

(11) Nuisances: To declare what shall be deemed nuisances; to prevent, remove and abate nuisances at the expense of the parties creating, causing or committing or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.

(12) Stock pound: To establish, maintain and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city.

(13) Control of certain trades: To control and regulate slaughterhouses, washhouses, laundries, tanneries, forges and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof.

(14) Street cleaning: To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards or public grounds of such city, or elsewhere therein.

(15) City jail: To establish, alter and repair city prisons and to provide for the regulation of the same, and for the safekeeping of persons committed thereto; to provide for the care, feeding and clothing of the city prisoners; to provide for the formation of a chain gang for persons convicted of crimes or misdemeanors, and their proper employment and compulsory working for the benefit of the city; and also to provide for the arrest and compulsory working of vagrants: *Provided*, That no prisoner shall be required to perform any labor until he has been duly convicted of some offense punishable by imprisonment and duly sentenced thereto.

(16) Gambling, etc.: To prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions and shows.

(17) Markets: To establish and regulate markets and market places.

(18) Speed of railroad cars: To fix and regulate the speed at which any railroad cars, streetcars, automobiles or other vehicles may run within the city limits, or any portion thereof.

(19) City commons: To provide for and regulate the commons of the city.

(20) Fast driving: To regulate or prohibit fast driving or riding in any portion of the city.

(21) Combustibles: To regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters.

(22) Property: To have, purchase, hold, use and enjoy property of every name or kind whatsoever, and to sell, lease, transfer, mortgage, convey, control or improve the same; to build, erect or construct houses, buildings or structures of any kind needful for the use or purposes of such city.

(23) Fire department: To establish, continue, regulate and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish and maintain a paid fire department for such city.

(24) Water supply: To adopt, enter into and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigation purposes therein.

(25) Overflow of water: To prevent the overflow of the city or to secure its drainage, and to assess the cost thereof to the property benefited.

(26) House numbers: To provide for the numbering of houses.

(27) Health board: To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and to prohibit them within the city limits.

(28) Harbors and wharves: To build, alter, improve, keep in repair and control the waterfront; to erect, regulate and repair wharves, and to fix the rate of wharfage and transit of wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing and removing steamboats, sail vessels, rafts, barges and all other watercraft; to fix the rate of speed at which steamboats and other steam watercraft may run along the waterfront of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or watercourses or channels.

(29) License of steamers: To license steamers, boats and vessels used in any watercourse in the city, and to fix and collect a license tax thereon.

(30) Ferry licenses: To license ferries and toll bridges under the law regulating the granting of such license.

(31) Penalty for violation of ordinances: To determine and impose fines for forfeitures and penalties that shall be incurred for

the breach or violation of any city ordinance, notwithstanding that the act constituting a violation of any such ordinance may also be punishable under the state laws, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of five hundred dollars or three months' imprisonment, or both; and every violation of any lawful order, regulation or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the state of Washington.

(32) Police department: To create and establish a city police; to prescribe their duties and their compensation and to provide for the regulation and government of the same.

(33) Elections: To provide for conducting elections and establishing election precincts when necessary, to be as near as may be in conformity with the state law.

(34) Examine official accounts: To examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management or disposition of moneys, property or business of the city.

(35) Contracts: To make all appropriations, contracts or agreements for the use or benefit of the city and in the city's name.

(36) Streets and sidewalks: To provide by ordinance for the opening, laying out, altering, extending, repairing, grading, paving, planking, graveling, macadamizing, or otherwise improving of public streets, avenues and other public ways, or any portion of any thereof; and for the construction, regulation and repair of sidewalks and other street improvements, all at the expense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks and squares, and to enforce the observance thereof.

(37) Waterways: To clear, cleanse, alter, straighten, widen, fill up or close any waterway, drain or sewer, or any watercourse in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part, to the property specially benefited.

(38) Sewerage: To adopt, provide for, establish and maintain a general system of sewerage, draining, or both, and the regulation thereof; to provide funds by local assessments on the property benefited for the purpose aforesaid and to determine the manner, terms and place of connection with main or central lines of pipes, sewers

or drains established, and compel compliance with and conformity to such general system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against persons and property, or either, for nonconformity to, or failure to comply with the provisions of such system and regulations or either.

(39) Buildings and parks: To provide for all public buildings, public parks or squares, necessary or proper for the use of the city.

(40) Franchises: To permit the use of the streets for railroad or other public service purposes.

(41) Payment of judgments: To order paid any final judgment against such city, but none of its lands or property of any kind or nature, taxes, revenue, franchise or rights, or interest, shall be attached, levied upon or sold in or under any process whatsoever.

(42) Weighing of fuel: To regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office, and the fees he shall receive for his services: *Provided*, That such fees shall in all cases be paid by the parties requiring such service.

(43) Hospitals, etc.: To erect and establish hospitals and pest-houses and to control and regulate the same.

(44) Waterworks: To provide for the erection, purchase or otherwise acquiring of waterworks within or without the corporate limits of the city to supply such city and its inhabitants with water, and to regulate and control the use and price of the water so supplied.

(45) City lights: To provide for lighting the streets and all public places of the city and for furnishing the inhabitants of the city with gas, electric or other light, and for the ownership, purchase or acquisition, construction, or maintenance of such works as may be necessary or convenient therefor: *Provided*, That no purchase of any such water plant or light plant shall be made without first submitting the question of such purchase to the electors of the city.

(46) Parks: To acquire by purchase or otherwise land for public parks, within or without the limits of the city, and to improve the same.

(47) Bridges: To construct and keep in repair bridges, and to regulate the use thereof.

(48) Power of eminent domain: In the name of and for the use and benefit of the city, to exercise the right of eminent domain, and to condemn lands and property for the purposes of streets, alleys, parks, public grounds, waterworks or for any other municipal purpose and to acquire by purchase or otherwise such lands and property as may be deemed necessary for any of the corporate uses provided for by this title, as the interests of the city may from time to time require.

(49) To provide for the assessment of taxes: To provide for the assessment, levying and collecting of taxes on real and personal property for the corporate uses and purposes of the city and to provide for the payment of the debts and expenses of the corporation.

(50) Local improvements: To provide for making local improvements, and to levy and collect special assessments on the property benefited thereby and for paying the same or any portion thereof; to determine what work shall be done or improvements made, at the expense, in whole or in part, of the adjoining, contiguous, or proximate property, and to provide for the manner of making and collecting assessments therefor.

(51) Cemeteries: To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

(52) Fire limits: To establish fire limits with proper regulations and to make all needful regulations for the erection and maintenance of buildings or other structures within the corporate limits as safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition; to regulate the manner in which stone, brick and other buildings, party walls and partition fences shall be constructed and maintained.

(53) Safety and sanitary measures: To require the owners of public halls, theaters, hotels and other buildings to provide suitable means of exit and proper fire escapes; to provide for the cleaning and purification of watercourses and canals and for the draining and filling up of ponds on private property within its limits when the same shall be offensive to the senses or dangerous to the health, and to charge the expense thereof to the property specially benefited, and to regulate and control and provide for the prevention and punishment of the defilement or pollution of all streams running in or through its corporate limits and a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of the city is or may be taken and for a distance of five miles beyond its source of supply, and to make all quarantine and other regulations as may be necessary for the preservation of the public health and to remove all persons afflicted with any contagious disease to some suitable place to be provided for that purpose.

(54) To regulate liquor traffic: To regulate the selling or giving away of intoxicating, spirituous, malt, vinous, mixed or fermented liquors as authorized by the general laws of the state.

(55) To establish streets on tidelands: To project or extend or establish streets over and across any tidelands within the limits of such city.

(56) To provide for the general welfare.

**35.23.450 Additional powers—Eminent domain.** The right of eminent domain is hereby extended to any such city for the condemnation of lands and other property, either within or without its corporate limits, for any and all corporate purposes and every such city shall have the right to appropriate real estate or other property, either within or without its corporate limits, for any and all municipal purposes in the same manner and under the same procedure as now is or may hereafter be provided by law in cases of other corporations authorized by the laws of the state of Washington to exercise the right of eminent domain. This section shall be construed as a concurrent and cumulative power conferred on such cities, and shall not be construed as in any wise repealing or affecting any other law conferring the power of eminent domain and the right to appropriate property on any such city, and in particular, this section shall not be construed as in any wise repealing or affecting the powers conferred on any such city by chapter 8.12 RCW.

**35.23.460 Employees' group insurance—False arrest insurance.** Any city of the second or third class or town may contract with an insurance company authorized to do business in this state to provide group insurance for its employees including group false arrest insurance for its law enforcement personnel, and pursuant thereto may use a portion of its revenues to pay an employer's portion of the premium for such insurance, and may make deductions from the payrolls of employees for the amount of the employees' contribution and may apply the amount deducted in payment of the employees' portion of the premium.

**35.23.470 Publicity fund.** Every city of the second class having less than eighteen thousand inhabitants may create a publicity fund to be used exclusively for exploiting and advertising the general advantages and opportunities of the city and its vicinity. After providing by ordinance for a publicity fund the city council may levy therefor an annual special tax not exceeding two and one-half mills on each dollar of the assessed valuation of the taxable property in the city.

All money derived from this special tax levy shall be paid into the publicity fund and paid out only upon warrants drawn against it and signed by at least two members of the publicity board.

**35.23.480 Publicity board.** The publicity board administering the publicity fund shall consist of three members nominated by a recognized commercial organization in the city, then appointed by the mayor and confirmed by at least a two-thirds vote of the city council. The commercial organization must be incorporated, must be representative and public, devoted exclusively to the work usually devolving upon such organizations and have not less than

two hundred bona fide dues-paying members; if more than one organization in the city meets the qualifications, the oldest one shall be designated to make the nominations.

Members of the publicity board must be resident property owners and voters in the city and after their appointment and confirmation must qualify by taking the oath of office and filing a bond with the city in the sum of one thousand dollars conditioned upon the faithful performance of their duties. They shall be appointed in December and their terms shall be for one year commencing on the second Monday in January after their appointment and until their successors are appointed and qualified. Any member of the board may be removed by the mayor at the request of the organization which nominated the members after a majority vote of the entire membership of the organization favoring the removal, taken at a regular meeting.

Members of the publicity board shall serve without remuneration.

**35.23.490 Limitations or use of publicity fund.** All expenditures shall be made under direction of the board of publicity. No part of the publicity fund shall ever be paid to any newspaper, magazine, or periodical published within the city or county in which the city is situated, for advertising, or write-ups or for any other service or purpose and no part of the fund shall be expended for the purpose of making exhibits at any fair, exposition or the like.

**35.23.500 Taxation—Property tax levy.** Every city of the second class may levy and collect annually, a property tax:

- (1) For the payment of outstanding warrants,
- (2) For the payment of interest on and the creation of sinking funds for the payment of outstanding bonded indebtedness and
- (3) For the payment of current expenses.

**35.23.510 Taxation—Park fund levy.** City and town councils in cities of the second and third class and towns are authorized to levy a tax in such an amount as the city or town council or commission shall determine and fix for the purpose of acquiring, maintaining and improving any park or parks: *Provided*, That the amount of such levy shall be made within the limits and as authorized by law. The proceeds of such levy shall be paid into a special fund to be known as the park fund which shall be disbursed as provided for by ordinance.

**35.23.530 Wards—Division of city into.** At any time not within three months previous to an annual election the city council of a second class city may divide the city into wards, not exceeding six in all, or change the boundaries of existing wards. No change in the



boundaries of wards shall affect the term of any councilman, but he shall serve out his term in the ward of his residence at the time of his election: *Provided*, That if this results in one ward being represented by more councilmen than the number to which it is entitled those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy.

The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

No person shall be eligible to the office of councilman unless he resides in the ward for which he is elected on the date of his election and removal of his residence from the ward for which he was elected renders his office vacant.

**35.23.540 Water system—Water improvement fund—Tax levy.** Every city of the second class may create a special water improvement fund to be used exclusively for the construction, acquisition, extension, or improvement of the city's waterworks and water system. The city council after causing a general plan of the proposed construction, acquisition, extension, or improvement together with the estimated cost thereof to be filed in the office of the city clerk and published in the city's official newspaper, shall submit the proposition of levying a special water improvement tax upon all of the taxable property within the city for the purpose of raising the special water improvement fund to be used exclusively for the proposed improvement. The proposition submitted must distinctly state the amount of the levy and may contemplate the levying of the special tax for one year or for a succession of years not exceeding ten in all.

**35.23.550 Water system—Bonds or warrants.** If a majority of the votes cast at the special election favor the proposition the council may proceed to levy the special tax during the year or series of years for which it was authorized, create the special water improvement fund and issue special water improvement fund warrants or bonds against the fund, the proceeds of which shall be used exclusively for the improving, extension, repair or renewal of the city's water system.

The special water improvement fund warrants or bonds shall not be a general obligation against the city and their payment shall be limited to the special water improvement taxes and the holders thereof shall have recourse only against the funds raised by such taxes.

The special water fund tax must be levied each year as authorized to take care of the warrants and bonds outstanding against the special water improvement fund.

**35.23.560 Waterworks—Construction by city or by district assessments.** All cities and towns within the state, other than cities of the first class, which are empowered to construct waterworks for irrigation and domestic purposes, may do so either by the entire city or by assessment districts as the mayor and council may determine.

**35.23.570 Waterworks—Plans—Special taxes.** Before letting any contract for the construction of any waterworks for irrigation and domestic purposes, the mayor and council shall by ordinance or resolution adopt the plans therefor and shall fix and establish the assessment district, if the same is to be constructed at the expense of the district, and such cities and towns are authorized to charge the expense of such waterworks for irrigation and domestic purposes to all the property included within such district which is contiguous or proximate to any streets in which any main pipe or lateral pipe of such waterworks for irrigation and domestic purposes, is to be placed, and to levy special taxes upon such property to pay therefor, which assessment and tax shall be levied in accordance with the last general assessment of the property within said district for city purposes.

**35.23.580 Waterworks—Procedure—Bonds.** For the purpose of providing for, constructing and maintaining such waterworks for irrigation and domestic purposes and issuing bonds to pay therefor, such cities and towns may proceed in all ways in accordance with, and apply all the provisions of, law relating to local improvement assessments.

**35.23.590 Police court—Establishment.** A police court is established in cities of the second class and those cities operating under the commission form of government, which court shall always be open for business except upon nonjudicial days, and upon such days may transact such business only as may be provided for by law.

**35.23.600 Jurisdiction of police judge.** The police judge in such cities shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license penalty or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon, and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinances, and pronounce judgment in accordance therewith: *Provided*, That for the violation of a criminal ordinance, no greater punishment shall be imposed than a fine of one hundred dollars or imprisonment not to exceed thirty days, or by both such fine and imprisonment. In the trial of actions

brought for the violation of any city ordinance, no jury shall be allowed. All civil or criminal proceedings before such police judge and judgments rendered by him, shall be subject to review in the superior court of the proper county by writ of review or appeal. The procedure, in case of appeal or by writ of review, shall be in accordance with the provisions now governing appeals in justice's courts as near as may be.

**35.23.610 Process.** All criminal process issued by such police judge shall be in the name of the state of Washington, and run throughout the state, be directed to the chief of police, marshal, or other police officer of any city, or to any sheriff or constable in the state, and shall be served by him.

**35.23.620 Prosecutions—No change of venue.** All prosecutions for the violation of any city ordinance shall be conducted in the name of the city, and may be upon the complaint of any person, and no change of venue shall be allowed from the police judge of such cities in action brought for the violation of city ordinances.

**35.23.630 Costs.** In all civil and criminal actions arising from the violation of city ordinances tried by such police judge, he shall charge up as costs in each case the same fees as are charged by justices of the peace for like services in every action. All fees so charged and collected by, and all fines and forfeits paid to such police judge shall belong to, and be paid over by him weekly to the city treasurer, who shall issue his receipt therefor.

**35.23.640 Supplies—Reports.** The governing body of the city shall furnish for use of the police court, all necessary dockets, books of record, blanks and blank forms which are deemed necessary to the proper administration of said court. The police judge shall, the last Saturday of each month, make a full report of all cases tried in his court for that month in which the city may be interested and file the same with the city clerk.

**35.23.650 Police judge pro tempore.** In the event of the police judge's inability to act, or during any temporary absence, or if he should be disqualified, the mayor shall appoint from among the practicing attorneys and qualified electors of the city, a police judge pro tempore, who, before entering upon the duties of such office, shall take and subscribe an oath as other judicial officers, and while so acting, he shall have all the power of the police judge: *Provided*, That such appointment shall not continue for a longer period than the absence or inability of the police judge. Such police judge pro tempore shall receive such compensation for such services as shall be fixed by ordinance of the legislative body of the city, to be paid by the city.

**35.23.660 Qualifications of police judge—Election.** No person shall be eligible to hold the office of police judge who is not a practicing attorney under the laws of this state. In all cities of the second class, except such as have a commission form of government, a police judge shall be elected annually at the general municipal election and shall hold his office until his successor is elected and qualified.

**35.23.670 Seal—Transcripts as evidence—Efficacy of process.** The court shall have a seal, to be provided by the city and certified transcripts of the police judge's docket and the seal of his court shall be evidence in any court of the state of the contents of the docket; and all warrants and other processes issued out of said court, and all acts done by said police judge under its seal, shall have the same force and validity in any part of this state as though issued or done by any court of record of this state.

## Chapter 35.24

### THIRD CLASS CITIES

**35.24.010 Rights, powers and privileges.** Every city of the third class shall be entitled "City of ....." (naming it), and by such name shall have perpetual succession; may sue and be sued in all courts and in all proceedings; shall have and use a common seal alterable at pleasure of the city authorities; may purchase, lease, receive, hold, and enjoy real and personal property and may control and dispose of it for the common benefit; and with the consent of the dedicator or donor, his heirs, successors, or assigns, may exchange any property acquired for park purposes for other property or may lease, sell, or otherwise dispose of such property, and may make, execute, and deliver proper conveyances to effect the transaction: *Provided*, That in any case where owing to death or lapse of time there is neither donor, heir, successor, nor assigns to give consent, then such consent shall be deemed waived. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes.

**35.24.020 City officers enumerated—Compensation—Appointment and removal.** The government of a third class city shall be vested in a mayor, a city council of seven members, a city attorney, a clerk, a treasurer, all elective; and a chief of police, police judge, city engineer, street superintendent, health officer and such other appointive officers as may be provided for by statute or ordinance: *Provided*, That the council may enact an ordinance providing for the appointment of the city clerk and city attorney by the mayor,

which appointment shall be subject to confirmation by a majority vote of the city council. Such ordinance shall be enacted and become effective not later than thirty days prior to the first day allowed for filing declarations of candidacy for such offices when such offices are subject to an approaching city primary election. Elective incumbent city clerks and city attorneys shall serve for the remainder of their unexpired term notwithstanding any appointment made pursuant to RCW 35.24.020 and 35.24.050. If a free public library and reading room is established, five library trustees shall be appointed and if a public park is maintained, three park commissioners shall be appointed. The city council by ordinance shall prescribe the duties and fix the compensation of all officers: *Provided*, That the provisions of any such ordinance shall not be inconsistent with any statute: *Provided further*, That where the city council finds that the appointment of a full time city engineer is unnecessary, it may in lieu of such appointment, by resolution provide for the performance of necessary engineering services on either a part time, temporary or periodic basis by a qualified engineering firm, pursuant to any reasonable contract.

The mayor shall appoint and at his pleasure may remove all appointive officers except as otherwise provided herein. Every appointment or removal must be in writing signed by the mayor and filed with the city clerk.

**35.24.030 Eligibility to hold elective office.** No person shall be eligible to hold an elective office in a city of the third class unless he be a citizen of and a legal resident therein.

**35.24.050 Elections—Terms of office.** General municipal elections in third class cities not operating under the commission form of government shall be held biennially, and, shall be held on the Tuesday following the first Monday in November in the odd-numbered years, except as provided in RCW 29.13.020 and 29.13.030. The term of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified: *Provided*, That if the offices of city attorney and clerk are made appointive, the city attorney and clerk shall not be appointed for a definite term: *Provided further*, That the term of the treasurer shall not commence in the same biennium in which the term of the mayor commences nor in which the terms of the city attorney and clerk commence if they are elected.

A councilman-at-large shall be elected biennially for a two-year term and until their successors are elected and qualified; of the other six councilmen, three shall be elected biennially as the terms of their predecessors expire for terms of four years and until their successors are elected and qualified.

**35.24.060 Conduct of elections.** All elections shall be held in accordance with the general election laws of the state insofar as the same are applicable and no person shall be entitled to vote at any election unless he shall be a qualified elector of the county and shall have resided in such city for at least thirty days next preceding such election.

**35.24.070 Contested elections.** The city council shall judge of the qualifications of its members and determine contested elections of all the city officers.

**35.24.080 Oath and bond of officers.** In a city of the third class, the treasurer, city attorney, clerk, police judge, chief of police, and such other officers as the council may require shall each, before entering upon the duties of his office, take an oath of office and execute and file with the clerk an official bond in such penal sum as the council shall determine, conditioned for the faithful performance of his duties and otherwise conditioned as may be provided by ordinance.

**35.24.090 Compensation of officers—Expenses.** The mayor and the members of the city council may be reimbursed for actual expenses incurred in the discharge of their official duties, upon presentation of a claim therefor, after allowance and approval thereof, by resolution of the city council; and each city councilman may be paid for attending council meetings an amount not exceeding twenty dollars per meeting for not more than two such meetings each month, as the city council may fix by ordinance.

The city attorney, clerk, treasurer and health officer shall severally receive at stated times a compensation to be fixed by ordinance by the city council, which compensation shall not be increased or diminished after their election (or appointment), or during their several terms of office.

The mayor and other officers shall receive such compensation as may be fixed by the city council at the time the estimates are made as provided by law.

**35.24.100 Vacancies.** In cities of the third class if a member of the city council absents himself for three consecutive regular meetings thereof, unless by permission of the council, his office may be declared vacant by the council.

Vacancies in the city council or in the office of mayor shall be filled by majority vote of the council. Vacancies in offices other than that of mayor or city councilman shall be filled by appointment of the mayor.

If a vacancy occurs in an elective office the appointee shall hold office only until the next regular election at which a person shall be elected to serve for the remainder of the unexpired term.

If there is a temporary vacancy in an appointive office due to illness, absence from the city or other temporary inability to act, the mayor may appoint a temporary appointee to exercise the duties of the office until the temporary disability of the incumbent is removed.

**35.24.110 City attorney—Duties.** The city attorney shall advise the city authorities and officers in all legal matters pertaining to the business of the city and shall approve all ordinances as to form. He shall represent the city in all actions brought by or against the city or against city officials in their official capacity. He shall perform such other duties as the city council by ordinance may direct.

**35.24.120 City clerk—Duties—Deputies.** The city clerk shall keep a full and true record of every act and proceeding of the city council and keep such books, accounts and make such reports as may be required by the division of municipal corporations in the office of the state auditor. The city clerk shall record all ordinances, annexing thereto his certificate giving the number and title of the ordinance, stating that the ordinance was published and posted according to law and that the record is a true and correct copy thereof. The record copy with the clerk's certificate shall be prima facie evidence of the contents of the ordinance and of its passage and publication and shall be admissible as such evidence in any court or proceeding.

The city clerk shall be custodian of the seal of the city and shall have authority to acknowledge the execution of all instruments by the city which require acknowledgment.

The city clerk may appoint a deputy for whose acts he and his bondsmen shall be responsible, and he and his deputy shall have authority to take all necessary affidavits to claims against the city and certify them without charge.

The city clerk shall perform such other duties as may be required by statute or ordinance.

**35.24.130 City treasurer—Duties.** The city treasurer shall receive and safely keep all money which comes into his hands as treasurer, for all of which he shall execute triplicate receipts, one to be filed with the city clerk. He shall receive all money due the city and disburse it on warrants issued by the clerk countersigned by the mayor, and not otherwise. He shall make monthly settlements with the city clerk at which time he shall deliver to the clerk the duplicate receipts for all money received and all canceled warrants as evidence of money paid.

**35.24.140 Duty of officers collecting moneys.** Every officer collecting or receiving any money belonging to or for the use of the

city shall settle with the clerk and immediately pay it into the treasury on the order of the clerk to be credited to the fund to which it belongs.

**35.24.160 Chief of police and police department.** The department of police in a city of the third class shall be under the direction and control of the chief of police subject to the direction of the mayor. The chief of police shall prosecute before the police justice all violations of city ordinances which come to his knowledge. He shall have charge of the city prisons and prisoners and of any chain gang which may be established by the city council. He may pursue and arrest violators of city ordinances beyond the city limits.

His lawful orders shall be promptly executed by deputies, police officers and watchmen. Every citizen shall lend him aid, when required, for the arrest of offenders and maintenance of public order. With the concurrence of the mayor, he may appoint additional policemen to serve for one day only under his orders in the preservation of public order.

He shall have the same authority as that conferred upon sheriffs for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or the public authorities in the lawful exercise of their functions and shall be entitled to the same protection.

He shall perform such other services as may be required by statute or ordinances of the city.

He shall execute and return all process issued and directed to him by lawful authority and for his services shall receive the same fees as are paid to constables.

**35.24.180 City council—Oath—Meetings.** The city council and mayor shall meet on the first Tuesday in January next succeeding the date of each general municipal election, and shall take the oath of office, and shall hold regular meetings at least once during each month but not to exceed one regular meeting in each week, at such times as may be fixed by ordinance.

Special meetings may be called by the mayor by written notice delivered to each member of the council at least three hours before the time specified for the proposed meeting. No ordinances shall be passed or contract let or entered into, or bill for the payment of money allowed at any special meeting.

All meetings of the city council shall be held within the corporate limits of the city at such place as may be designated by ordinance. All meetings of the city council must be public.

**35.24.190 City council—Mayor pro tempore.** The members of the city council at their first meeting after each general municipal election and thereafter whenever a vacancy occurs, shall elect



from among their number a mayor pro tempore, who shall hold office at the pleasure of the council and in case of the absence, death, or disability of the mayor, perform the duties of mayor except that he shall not have the power to appoint or remove any officer or to veto any ordinance.

The mayor and the mayor pro tempore shall have power to administer oaths and affirmations, take affidavits and certify them. The mayor or the mayor pro tempore when acting as mayor, shall sign all conveyances made by the city and all instruments which require the seal of the city.

**35.24.200 City council—Quorum—Rules—Journal.** At all meetings of the city council, a majority of the councilmen shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

All meetings of the council shall be presided over by the mayor, or, in his absence, by the mayor pro tempore. If the clerk is absent from a council meeting the mayor or mayor pro tempore shall appoint one of the members of the council as clerk pro tempore. The appointment of a councilman as mayor pro tempore or clerk pro tempore shall not in any way abridge his right to vote upon all questions coming before the council.

The city council may establish rules for the conduct of their proceedings and punish any member or other person for disorderly behavior at any meeting.

The clerk shall keep a correct journal of all proceedings and at the desire of any member the ayes and noes shall be taken on any question and entered in the journal.

**35.24.210 Ordinances—Style—Requisites—Veto.** The enacting clause of all ordinances in a third class city shall be as follows:

“The city council of the city of . . . . . do ordain as follows:”

No ordinance shall contain more than one subject and that must be clearly expressed in its title.

No ordinance or any section thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section at full length.

No ordinance and no resolution or order shall have any validity or effect unless passed by the votes of at least four councilmen.

No ordinance shall take effect until five days after the date of its publication unless otherwise provided in this title.

Every ordinance which passes the council in order to become valid must be presented to the mayor; if he approves it, he shall sign it, but if not, he shall return it with his written objections to the

council and the council shall cause his objections to be entered at large upon the journal and proceed to a reconsideration thereof. If upon reconsideration five members of the council voting upon a call of yeas and nays favor its passage, the ordinance shall become valid notwithstanding the mayor's veto. If the mayor fails for ten days to either approve or veto an ordinance, it shall become valid without his approval.

Every ordinance shall be signed by the mayor and attested by the clerk.

**35.24.220 Ordinances—Publication.** Every ordinance of a city of the third class shall be published at least once in a newspaper published in the city, such publication to be made in the city's official newspaper if there is one. If there is no official newspaper or other newspaper published in the city then publication shall be made by printing and posting the ordinance in at least three public places in the city in such manner as the city council may direct.

**35.24.230 Ordinances—Prosecution for violations.** The violation of any ordinance of a city of the third class shall be a misdemeanor and may be prosecuted as a criminal action in the name of the people of the state of Washington or may be redressed by a civil action, at the option of the authorities.

Any person sentenced to imprisonment for the violation of an ordinance may be imprisoned in the city jail or in the county jail of the county in which the city is situated if the council by ordinance shall so prescribe; in which case the expense of such imprisonment shall be a charge in favor of the county and against the city.

**35.24.250 Ordinances granting franchises—Requisites.** No ordinance or resolution granting any franchise for any purpose shall be passed by the city council on the day of its introduction, nor for five days thereafter, nor at any other than a regular meeting nor without first being submitted to the city attorney.

No franchise or valuable privilege shall be granted unless by the vote of at least five members of the city council.

The city council may require a bond in a reasonable amount for any person or corporation obtaining a franchise from the city conditioned for the faithful performance of the conditions and terms of the franchise and providing a recovery on the bond in case of failure to perform the terms and conditions of franchise.

**35.24.260 Audit and allowance of demands against city.** All demands against the city shall be presented to and audited by the city council in accordance with such regulations as it may by ordinance prescribe; and upon the allowance of a demand, the clerk shall draw a warrant upon the treasurer for it, which warrant shall be

countersigned by the mayor and shall specify for what purpose it is drawn and out of which fund it is to be paid.

**35.24.274 Contracts with cemetery districts and fire protection districts for public facilities and services—Joint purchasing.** Third or fourth class cities and towns may contract, for terms not to exceed five years each term, to provide or have provided public facilities or services with any cemetery district or fire protection district, each of which is separately authorized to operate or provide under terms mutually agreed upon by the governing bodies of such public agencies. The governing body of a third or fourth class city may join with the governing body of any of the other public agencies in buying supplies, equipment, and services collectively, by establishing and maintaining a joint purchasing agency or otherwise, as may be necessary under the circumstances.

**35.24.275 ———“Public agency” defined.** As used in RCW 35.24.273, “public agency” means third or fourth class cities and towns, cemetery districts and fire protection districts.

**35.24.290 Specific powers enumerated.** The city council of each third class city shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state or of the United States;

(2) To prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof and to cause the impounding and sale of any such animals;

(3) To establish, build and repair bridges, to establish, lay out, alter, keep open, open, widen, vacate, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish and reestablish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part; to construct gutters, culverts, sidewalks and crosswalks therein or upon any part thereof; to cultivate and maintain parking strips therein, and generally to manage and control all such highways and places; to provide by local assessment for the leveling up and surfacing and oiling or otherwise treating for the laying of dust, all streets within the city limits: *Provided*, That in all local improvement districts abutting property shall not be liable for any greater amount than the estimate of the city engineer plus ten percent for any purpose;

(4) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets and alleys or within two hundred feet thereof along which sewers shall have been constructed to make proper connections therewith and to use the same for proper purposes, and in case the owners of the

property on such streets and alleys or within two hundred feet thereof fail to make such connections within the time fixed by such council, it may cause such connections to be made and assess against the property served thereby the costs and expenses thereof;

(5) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(6) To impose and collect an annual license not exceeding two dollars on every dog owned or harbored within the limits of the city, to prohibit dogs running at large and to provide for the killing of all dogs not duly licensed found at large;

(7) To license, for the purposes of regulation and revenue, all and every kind of business authorized by law, and transacted and carried on in such city, and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise;

(8) To improve rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channel thereof, and remove obstructions therefrom; to improve the waterfront of the city, and to construct and maintain embankments and other works to protect such city from overflow; to prevent the filling of the water of any bay, except such filling over tide or shorelands as may be provided for by order of the city council; to purify and prevent the pollution of streams of water, lakes or other sources of supply, and for this purpose shall have jurisdiction over all streams, lakes or other sources of supply, both within and without the city limits. Such city shall have power to provide by ordinance and to enforce such punishment or penalty as the city council may deem proper for the offense of polluting or in any manner obstructing or interfering with the water supply of such city or source thereof;

(9) To erect and maintain buildings for municipal purposes;

(10) To permit, under such restrictions as it may deem proper, and to grant franchises for, the laying of railroad tracks, and the running of cars propelled by electric, steam or other power thereon, and the laying of gas and water pipes and steam mains and conduits for underground wires, and to permit the construction of tunnels or subways in the public streets, and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric lines therein;

(11) In its discretion to divide the city by ordinance, into a convenient number of wards, not exceeding six, to fix the boundaries thereof, and to change the same from time to time: *Provided*, That no change in the boundaries of any ward shall be made within sixty days next before the date of a general municipal election, nor

within twenty months after the wards have been established or altered. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by general vote of the whole city as may be designated in such ordinance. When additional territory is added to the city it may by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilman from the ward for which he was elected shall create a vacancy in such office;

(12) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed three hundred dollars nor the term of such imprisonment exceed the term of three months;

(13) To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property or works within the city;

(14) To establish fire limits, with proper regulations;

(15) To establish and maintain a free public library;

(16) To establish and regulate public markets and market places;

(17) To punish the keepers and inmates and lessors of houses of ill fame, gamblers and keepers of gambling tables, patrons thereof or those found loitering about such houses and places;

(18) To make all such ordinances, bylaws, rules, regulations and resolutions, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the corporation and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to enact and enforce within the limits of such city all other local, police, sanitary and other regulations as do not conflict with general laws;

(19) To license steamers, boats and vessels used in any bay or other watercourse in the city and to fix and collect such license; to provide for the regulation of berths, landings, and stations, and for the removing of steamboats, sail boats, sail vessels, rafts, barges and other water craft; to provide for the removal of obstructions to navigation and of structures dangerous to navigation or to other property, in or adjoining the waterfront, except in municipalities in counties in which there is a city of the first class.

**35.24.300 Additional powers—Acquisition, control, and disposition of property.** The city council of such city shall have power to

purchase, lease, or otherwise acquire real estate and personal property necessary or proper for municipal purposes and to control, lease, sublease, convey or otherwise dispose of the same; to acquire and plat land for cemeteries and parks and provide for the regulation thereof, including but not limited to the right to lease any waterfront and other lands adjacent thereto owned by it for manufacturing, commercial or other business purposes; including but not limited to the right to lease for wharf, dock and other purposes of navigation and commerce such portions of its streets which bound upon or terminate in its waterfront or the navigable waters of such city, subject, however, to the written consent of the lessees of a majority of the square feet frontage of the harbor area abutting on any street proposed to be so leased. No lease of streets or waterfront shall be for longer than ten years and the rental therefor shall be fixed by the city council. Every such lease shall contain a clause that at intervals of every five years during the term thereof the rental to be paid by the lessee shall be readjusted between the lessee and the city by mutual agreement, or in default of such mutual agreement that the rental shall be fixed by arbitrators to be appointed one by the city council, one by the lessee and the third by the two thus appointed. No such lease shall be made until the city council has first caused notice thereof to be published in the official newspaper of such city at least fifteen days and in one issue thereof each week prior to the making of such lease, which notice shall describe the portion of the street proposed to be leased, to whom, for what purpose, and the rental to be charged therefor. The city may improve part of such waterfront or street extensions by building inclines, wharves, gridirons and other accommodations for shipping, commerce and navigation and may charge and collect for service and use thereof reasonable rates and tolls.

**35.24.305 Additional powers—Parking meter revenue for revenue bonds.** All cities of the third class, regardless of their form of government, and all municipal corporations of the fourth class (towns), are hereby authorized to use parking meter revenue as a base for obtaining revenue bonds for use in improvement of streets, roads, alleys, and such other related public works.

**35.24.306 Additional powers—Ambulances and first aid equipment.** In incorporated cities of the third class where commercial ambulance service is not readily available, the city shall have the power:

(1) To authorize the operation of municipally-owned ambulances which may serve the city and may serve for emergencies surrounding rural areas;

(2) To authorize the operation of other municipally-owned first aid equipment which may serve the city and surrounding rural areas;

(3) To contract with the county or with another municipality for emergency use of city-owned ambulances or other first aid equipment: *Provided*, That the county or other municipality shall contribute at least the cost of maintenance and operation of the equipment attributable to its use thereof; and

(4) To provide that such ambulance service may be used to transport persons in need of emergency hospital care to hospitals beyond the city limits.

The council may, in its discretion, make a charge for the service authorized by this section: *Provided*, That such ambulance service shall not enter into competition or competitive bidding where private ambulance service is available.

**35.24.310 Eminent domain.** Whenever it shall become necessary for the city to take or damage private property for the purpose of establishing, laying out, extending and widening streets and other public highways and places within the city, or for the purpose of securing rights-of-way for drains, sewers and aqueducts, and for the purpose of widening, straightening or diverting the channels of streams and the improvement of waterfronts, or any other public purpose, and the city council cannot agree with the owner thereof as to the price to be paid, the city council may proceed to acquire, take or damage the same in the manner provided by chapter 8.12 RCW or by chapter 8.20 RCW.

**35.24.330 Nuisances.** Every act or thing done or being within the limits of a third class city which is declared by law or by ordinance to be a nuisance shall be a nuisance and shall be so considered in all actions and proceedings. All remedies given by law for the prevention and abatement of nuisances shall apply thereto.

**35.24.340 Taxation—Levy for current expense fund.** Every city of the third class shall maintain a current expense fund. For each year it shall levy a tax upon the property in the city for the payment of current expenses in an amount equal to the estimate by the city council of the current expenses for the ensuing year less the amount of revenues from all other sources payable into the current expense fund.

**35.24.350 Taxation—Allocation for special improvement or purpose.** If by unanimous vote the city council so decides, every city of the third class may use two mills of its regular levy for the purpose of creating a fund for any special improvement or purpose authorized by law. The resolution creating the fund must

specifically designate its purpose, and the fund so created shall not be used for any purpose other than that designated in the resolution creating it except by unanimous vote of the city council.

**35.24.370 Taxation—Street poll tax.** A third class city may impose upon and collect from every male inhabitant of the city over the age of twenty-one years an annual street poll tax not exceeding two dollars and no other road poll tax shall be collected within the limits of the city.

**35.24.380 Taxation—Sinking funds—Investment.** Every city of the third class may provide by ordinance and levy taxes for sinking funds for the payment of indebtedness and for the investment thereof in county, city, and school district warrants and in securities of its own municipal utilities and local improvement districts and those of other municipal corporations, all subject to the approval of the division of municipal corporations in the office of the state auditor.

**35.24.390 Reserve funds—Investment in city's own bonds.** The city treasurer of any third class city, by and with the consent of the city's finance committee, may invest any portion of the money which has accumulated in its various reserve funds in the city's own general obligation bonds or in the city's own utility revenue bonds. The interest received shall be credited to the funds which supplied the money for the investment.

**35.24.400 Local improvement guaranty fund—Investment in city's own guaranteed bonds.** The city treasurer of any third class city, by and with the consent of the city's finance committee, may invest any portion of its local improvement guaranty fund in the city's own guaranteed local improvement bonds in an amount not to exceed ten percent of the total issue of bonds in any one local improvement district: *Provided*, That no such investment shall be made in an amount which will affect the ability of the local improvement guaranty fund to meet its obligations as they accrue, and that if all the bonds have the same maturity, the bonds having the highest numbers shall be purchased.

The interest received shall be credited to the local improvement guaranty fund.

**35.24.410 Utilities—City may contract for service or construct own facilities.** The city council of every city of the third class may contract for supplying the city with water, light, power, and heat for municipal purposes; and within or without the city may acquire, construct, repair, and manage pumps, aqueducts, reservoirs, plants, or other works necessary or proper for irrigation purposes or for supplying water, light, power, or heat or any by-



product thereof for the use of the city and any person within the city and dispose of any excess of its supply to any person without the city.

**35.24.420 Utilities—Method of acquisition.** To pay the original cost of water, light, power, or heat systems, every city of the third class may issue:

(1) General bonds to be retired by general tax levies against all the property within the city limits then existing or as they may thereafter be extended; or

(2) Utility bonds under the general authority given to all cities for the acquisition or construction of public utilities.

Extensions to plants may be made either

(1) By general bond issue,

(2) By general tax levies, or

(3) By creating local improvement districts in accordance with statutes governing their establishment.

**35.24.430 Utilities — Maintenance and operation — Rates.** No taxes shall be imposed for maintenance and operating charges of city owned water, light, power, or heating works or systems.

Rates shall be fixed by ordinance for supplying water, light, power, or heat for commercial, domestic, or irrigation purposes sufficient to pay for all operating and maintenance charges. If the rates in force produce a greater amount than is necessary to meet operating and maintenance charges, the rates may be reduced or the excess income may be transferred to the city's current expense fund.

Complete separate accounts for municipal utilities must be kept under the system and on forms prescribed by the division of municipal corporations in the office of the state auditor.

The term "maintenance and operating charges," as used in this section includes all necessary repairs, replacement, interest on any debts incurred in acquiring, constructing, repairing and operating plants and departments and all depreciation charges. This term shall also include an annual charge equal to four percent on the cost of the plant or system, as determined by the division of municipal corporations in the office of the state auditor to be paid into the current expense fund, except that where utility bonds have been or may hereafter be issued and are unpaid no payment shall be required into the current expense fund until such bonds are paid.

**35.24.440 Procedure to attack consolidation or annexation of territory.** Proceedings attacking the validity of the consolidation of a city of the third class or the annexation of territory to a city of the third class shall be by quo warranto only, instituted by the prosecuting attorney of the county in which the city is located or

by a person interested in the proceedings whose interest must clearly be shown. The quo warranto proceedings must be commenced within one year after the consolidation or annexation proceedings complained of and no error, irregularity, or defect of any kind shall be the basis for invalidating a consolidation or annexation after one year.

**35.24.450 Police judge—Appointment — Bond — Compensation.**

At the time he makes his other appointments, the mayor shall appoint a police judge who shall be the regular elected justice of the peace in all cities of the third class, having a population of five thousand or more, if there is any such justice of the peace present in the city and not under any disability. Said police judge shall, before entering upon the duties of his office, give such additional bond to the city for the faithful performance of his duties as the city council may by ordinance direct, and shall receive such salary in addition to his salary as justice of the peace as the council shall by ordinance direct.

**35.24.460 Police judge—Jurisdiction.** The police judge so appointed, in addition to his powers as justice of the peace, shall have exclusive jurisdiction over all offenses defined by any ordinance of the city, and all other actions brought to enforce or recover any license, penalty or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and pronounce judgment in accordance therewith: *Provided*, That for the violation of a criminal ordinance no greater punishment shall be imposed than a fine of three hundred dollars or imprisonment not to exceed ninety days, or by both such fine and imprisonment. In the trial of actions brought for the violation of any city ordinance, no jury shall be allowed.

**35.24.470 Police judge—Review of decisions—Procedure.** All civil or criminal proceedings before such police judge and judgments rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal. In actions brought before such police judge to enforce or recover any license, penalty or forfeiture declared or given by any ordinance, and in all other civil actions, the manner of commencing the same, the manner of obtaining service upon the defendants, the procedure during the pendency of the action and for the enforcement of the judgment obtained, if any, and the procedure in appeal there-

from, together with the time limitations upon such appeals, shall be as provided in the case of civil actions before justices of the peace.

## Chapter 35.27

### TOWNS

**35.27.010 Rights, powers and privileges.** Every municipal corporation of the fourth class shall be entitled the "Town of ....." (naming it), and by such name shall have perpetual succession, may sue, and be sued in all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the town authorities, and may purchase, lease, receive, hold, and enjoy real and personal property and control and dispose of the same for the common benefit.

**35.27.030 Uncertain boundaries—Petition—Request for examination.** Whenever a petition is presented to the council of any incorporated town in this state, signed by not less than five electors of such town, setting forth that in the belief of the petitioners, the boundaries of said town are indefinite and uncertain and that on account of such indefiniteness and uncertainty the legality of the taxes levied within such town are in danger of being affected, and setting forth the particular causes or reasons of such alleged indefiniteness or uncertainty, it shall be the duty of the town council to cause the petition to be filed and recorded by the clerk, and to cause a copy of the same to be made and certified by the clerk and the corporate seal of such town to be attached to said certificate, and the mayor of such town shall forthwith present said certified copy of the petition to the board of county commissioners of the county wherein said town is situated, with a written request to be signed by him as such mayor that the said board of county commissioners proceed to examine the boundaries of such town or city, and make the same definite and certain.

**35.27.040 Duty of county commissioners.** The board of county commissioners upon receipt of the certified copy of said petition, and the request aforesaid, shall cause the same to be filed in the office of the county auditor and forthwith proceed to examine the boundaries of the town and make the same definite and certain. For this purpose they may employ a competent surveyor, and shall commence at some recognized and undisputed point on the boundary line of the town, if such there be, and if there is no such recognized and undisputed point, they shall establish a starting point

from the best data at their command and from such starting point they shall run a boundary line by courses and distances around such town, in one tract or body.

**35.27.050 Report of survey.** The board of county commissioners, without unnecessary delay, shall make and file a report of their doings in the premises in the office of the county auditor, who shall transmit a certified copy thereof under the seal of the county, to the clerk of the town, and the clerk shall record the same in the records of the town, and keep the copy on file in his office. The report shall contain the description of the boundary of the town, as fixed by the board, written in plain words and figures and the boundaries so made and fixed shall be the boundaries of the town, and all the territory included within the boundary lines so established shall be included in the town, and be a part thereof.

**35.27.060 Expense of proceedings.** The expense of such proceedings shall be paid by the town at whose request the same is incurred. The county commissioners shall each receive as compensation, an amount not exceeding the amount allowed by law for their usual services as commissioners, and, any surveyor or other assistants employed by them, a reasonable compensation to be fixed and certified by said commissioners.

**35.27.070 Town officers enumerated.** The government of a town shall be vested in a mayor and a council consisting of five members and a treasurer, all elective; the mayor shall appoint a clerk, a marshal, and a police justice; and may appoint a town attorney, pound master, street superintendent, civil engineer, and such police and other subordinate officers as may be provided for by ordinance. All appointive officers shall hold office at the pleasure of the mayor and shall not be subject to confirmation by the town council.

**35.27.080 Eligibility to hold elective office.** No person shall be eligible to or hold an elective office in a town unless he is a resident and elector therein.

**35.27.090 Elections—Terms of office.** All general municipal elections in towns shall be held biennially, irrespective of the form of government, on the Tuesday following the first Monday in November in the odd-numbered years, except as provided in RCW 29.13.020 and 29.13.030. The term of office of the mayor and treasurer shall be four years and until their successors are elected and qualified: *Provided*, That the term of the treasurer shall not commence in the same biennium in which the term of the mayor commences. Councilmen shall be elected for four year terms and until their successors are elected and qualified; three at one election and two at the next succeeding biennial election.

**35.27.100 Conduct of elections.** All elections in towns shall be held in accordance with the general election laws of the state, so far as the same may be applicable; and no person shall be entitled to vote at such election, unless he is a qualified elector of the county, and has resided in the town for at least thirty days next preceding the election.

**35.27.110 Contested elections.** The council shall judge of the qualifications of its members, and determine contested elections of all town officers.

**35.27.120 Oath and bond of officers.** Every officer of a town before entering upon the duties of his office shall take and file with the town clerk his oath of office. The clerk, treasurer, and marshal before entering upon their respective duties shall also each execute a bond approved by the council in such penal sum as the council by ordinance may determine, conditioned for the faithful performance of his duties including in the same bond the duties of all offices of which he is made ex officio incumbent.

All bonds, when approved, shall be filed with the town clerk, except the bonds of the clerk which shall be filed with the mayor.

**35.27.130 Compensation of officers—Expenses.** The mayor and members of the town council may be reimbursed for actual expenses incurred in the discharge of their official duties upon presentation of a claim therefor and its allowance and approval by resolution of the town council. The mayor and members of the council may also receive such salary not exceeding twenty dollars per meeting for not more than two council meetings per month as the council may fix by ordinance.

The clerk, treasurer, marshal, and police justice shall severally receive at stated times a compensation to be fixed by ordinance which compensation shall not be increased or diminished after their election nor during their terms of office.

The compensation of all other officers shall be fixed from time to time by the council.

**35.27.140 Vacancies.** If a member of the council is absent from the town for three consecutive meetings unless by permission of the council his office shall be declared vacant by the council. A vacancy in the office of mayor and vacancies in the council shall be filled by a majority vote of the council. A vacancy in any other office shall be filled by appointment by the mayor. An appointee filling the vacancy in an elective office shall hold office only until the next general election at which time a person shall be elected to serve for the remainder of the unexpired term except that the

person appointed to fill a vacancy in the office of mayor shall serve for the unexpired term.

**35.27.160 Mayor—Duties—Powers.** The mayor shall preside over all meetings of the council at which he is present. In his absence, a mayor pro tempore may be chosen. The mayor and in his absence a mayor pro tempore to be chosen by the council shall sign all warrants drawn on the treasurer and shall sign all written contracts entered into by the town. The mayor and mayor pro tempore may administer oaths and affirmations, and take affidavits and certify them. The mayor or mayor pro tempore shall sign all conveyances made by the town and all instruments which require the seal of the town.

The authority of the mayor pro tempore shall continue only during the day on which he is chosen.

The mayor is authorized to acknowledge the execution of all instruments executed by the town which require acknowledgment.

**35.27.170 Town treasurer—Duties.** The town treasurer shall receive and safely keep all money which comes into his hands as treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the clerk. He shall pay out the money on warrants signed by the mayor and countersigned by the clerk and not otherwise. He shall make monthly settlements with the clerk.

**35.27.180 Treasurer and clerk may be combined.** The council of every town may provide by ordinance that the office of treasurer be combined with that of clerk or that the office of clerk be combined with that of treasurer. This ordinance shall not be voted upon until the next regular meeting after its introduction and shall require the vote of at least two-thirds of the council. The ordinance shall provide the date when the consolidation shall take place which date shall be not less than three months from the date the ordinance goes into effect.

**35.27.190 Effect of consolidation of offices.** Upon the consolidation of the office of treasurer with that of clerk, the office of treasurer shall be abolished and the clerk shall exercise all the powers and perform all the duties required by statute or ordinance to be performed by the treasurer; in the execution of any papers his designation as clerk shall be sufficient.

Upon the consolidation of the office of clerk with that of treasurer, the treasurer shall exercise all the powers vested in and perform all the duties required to be performed by the clerk.

**35.27.200 Abandonment of consolidation.** Every town which has combined the office of treasurer with that of clerk or the office of clerk with that of treasurer may terminate the combination by

ordinance, fixing the time when the combination shall cease and providing that the duties thereafter be performed by separate officials. If the office of treasurer was combined with that of clerk, the mayor shall appoint a treasurer who shall serve until the next town election when a treasurer shall be elected for the term as provided by law.

**35.27.210 Duty of officers collecting moneys.** Every officer collecting or receiving any money belonging to a town shall settle for it with the clerk on the first Monday of each month and immediately pay it into the treasury on the order of the clerk to be credited to the fund to which it belongs.

**35.27.220 Town clerk—Duties.** The town clerk shall be custodian of the seal of the town. He may appoint a deputy for whose acts he and his bondsmen shall be responsible; he and his deputy may administer oaths or affirmations and certify to them, and may take affidavits and depositions to be used in any court or proceeding in the state.

He shall make a quarterly statement in writing showing the receipts and expenditures of the town for the preceding quarter and the amount remaining in the treasury.

At the end of every fiscal year he shall make a full and detailed statement of receipts and expenditures of the preceding year and a full statement of the financial condition of the town which shall be published.

He shall perform such other services as may be required by statute or by ordinances of the town council.

He shall keep a full and true account of all the proceedings of the council.

**35.27.230 Records to be kept by clerk.** The proceedings of the town council shall be kept in a book marked "records of council."

The town clerk shall keep a book marked "town accounts," in which shall be entered on the debit side all moneys received by the town including but not limited to proceeds from licenses and general taxes and in which shall be entered on the credit side all warrants drawn on the treasury.

He shall also keep a book marked "marshal's account" in which he shall charge the marshal with all licenses delivered to him and credit him with all money collected and paid in.

He shall also keep a book marked "treasurer's account" in which he shall keep a full account of the transactions of the town with the treasurer.

He shall also keep a book marked "licenses" in which he shall enter all licenses issued by him—the date thereof, to whom issued, for what, the time they expire, and the amount paid.

Each of the foregoing books, except the records of the council, shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein.

He shall also keep a book marked "demands and warrants" in which he shall enter every demand against the town at the time of filing it. He shall state therein the final disposition of each demand and if it is allowed and a warrant drawn, he shall state the number of the warrant and its date. This book shall contain an index in which reference shall be made to each demand.

**35.27.240 Town marshal—Police department.** The department of police in a town shall be under the direction and control of the marshal subject to the direction of the council. He shall prosecute before the police justice all violations of town ordinances which come to his knowledge. He shall have charge of the prison and prisoners. He may pursue and arrest violators of town ordinances beyond the town limits.

His lawful orders shall be promptly executed by deputies, police officers and watchmen. Every citizen shall lend him aid, when required, for the arrest of offenders and maintenance of public order. He may appoint, subject to the approval of the council, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose compensation shall be fixed by the council. With the concurrence of the mayor, he may appoint additional policemen for one day only when necessary for the preservation of public order.

He shall have the same authority as that conferred upon sheriffs for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions and shall be entitled to the same protection.

He shall execute and return all process issued and directed to him by any legal authority and for his services shall receive the same fees as are paid to constables.

He shall receive from the clerk all licenses and collect them. He shall perform such other services as the council by ordinance may require.

**35.27.250 Town attorney—Duties.** The town attorney shall advise the town authorities and officers in all legal matters pertaining to the business of the town.

**35.27.270 Town council—Oath—Meetings.** The town council shall meet on the second Tuesday in January succeeding the date of the general municipal election, shall take the oath of office, and shall hold regular meetings at least once each month at such times as may be fixed by ordinance. Special meetings may be called at



any time by the mayor or by three councilmen, by written notice delivered to each member at least three hours before the time specified for the proposed meeting. No resolution or order for the payment of money shall be passed at any other than a regular meeting. No such resolution or order shall be valid unless passed by the votes of at least three councilmen.

All meetings of the council shall be held within the corporate limits of the town, at such places as may be designated by ordinance and shall be public.

**35.27.280 Town council—Quorum—Rules—Journal.** A majority of the councilmen shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

The mayor shall preside at all meetings of the council. In the absence of the mayor the council may appoint a president pro tempore; in the absence of the clerk, the mayor or president pro tempore, shall appoint one of the council members as clerk pro tempore. The council may establish rules for the conduct of its proceedings and punish any members or other person for disorderly behavior at any meeting. At the desire of any member, the ayes and noes shall be taken on any question and entered in the journal.

**35.27.290 Ordinances—Style—Signatures.** The enacting clause of all ordinances shall be as follows: "Be it ordained by the council of the town of ....." "

Every ordinance shall be signed by the mayor and attested by the clerk.

**35.27.300 Ordinances—Publication.** Every ordinance shall be published at least once in a newspaper published in the town or, if there is no such newspaper, it shall be printed and posted in at least three public places therein.

**35.27.310 Ordinances—Clerk to keep book of ordinances.** The town clerk shall keep a book marked "ordinances" into which he shall copy all town ordinances, with his certificate annexed to said copy stating that the foregoing ordinance is a true and correct copy of an ordinance of the town, and giving the number and title of the ordinance, and stating that it has been published or posted according to law. Such record copy, with the clerk's certificate, shall be prima facie evidence of the contents of the ordinance and of its passage and publication, and shall be admissible as such in any court or proceeding. Such record shall not be filed in any case but shall be returned to the custody of the clerk. Nothing herein shall be construed to prevent the proof of the passage and publica-

tion of ordinances in the usual way. The book of ordinances shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein.

**35.27.320 Ordinances—Prosecution for violations.** The violation of an ordinance of a town shall be a misdemeanor, and may be prosecuted by the authorities thereof in the name of the people of the state of Washington or may be redressed by civil action.

Any person sentenced to imprisonment may be imprisoned in the town jail, or if the council by ordinance shall so prescribe and if the county commissioners have consented thereto, he may be imprisoned in the county jail, the expense thereof to be a charge against the town and in favor of the county.

**35.27.330 Ordinances granting franchises—Requisites.** No ordinance or resolution granting any franchise for any purpose shall be passed by the council on the day of its introduction, nor within five days thereafter, nor at any other than a regular meeting, and no such ordinance or resolution shall have any validity or effect unless passed by the vote of at least three councilmen. The town council may require a bond in a reasonable amount from any persons and corporations obtaining a franchise from the town conditioned for the faithful performance of the conditions and terms of the franchise and providing a recovery on the bond in case of failure to perform the terms and conditions of the franchise.

**35.27.340 Audit and allowance of demands against town.** All demands against a town shall be presented to and audited by the council in accordance with such regulations as they may by ordinance prescribe. Upon allowance of a demand the mayor shall draw a warrant therefor upon the treasurer; the warrant shall be countersigned by the clerk and shall specify the purpose for which it is drawn.

The town clerk and his deputy shall take all necessary affidavits to claims against the town and certify them.

**35.27.350 Contract for town printing.** Every town may designate any daily or weekly newspaper published or of general circulation therein as its official newspaper and all notices published in that newspaper for the period and in the manner provided by law or the ordinances of the town shall be due and legal notice.

**35.27.370 Specific powers enumerated.** The council of said town shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state, or of the United States;

(2) To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes,

and to control, dispose of and convey the same for the benefit of the town; to acquire, own, and hold real estate for cemetery purposes either within or without the corporate limits, to sell and dispose of such real estate, to plat or replat such real estate into cemetery lots and to sell and dispose of any and all lots therein, and to operate, improve and maintain the same as a cemetery: *Provided*, That they shall not have the power to sell or convey any portion of any waterfront;

(3) To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for use of such town or its inhabitants, or for irrigating purposes therein;

(4) To establish, build and repair bridges, to establish, lay out, alter, widen, extend, keep open, improve, and repair streets, sidewalks, alleys, squares and other public highways and places within the town, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, plank, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or on any part thereof; to cause to be planted, set out and cultivated trees therein, and generally to manage and control all such highways and places;

(5) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets along which sewers are constructed to make proper connections therewith, and to use the same for proper purposes when such property is improved by the erection thereon of a building or buildings; and in case the owners of such improved property on such streets shall fail to make such connections within the time fixed by such council, they may cause such connections to be made, and to assess against the property in front of which such connections are made the costs and expenses thereof;

(6) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(7) To impose and collect an annual license not exceeding two dollars on every dog allowed to run at large within the limits of the town, and to provide for the killing of all dogs found at large and not duly licensed;

(8) To levy and collect annually a property tax, for the payment of current expenses and for the payment of indebtedness (if any indebtedness exists) within the limits authorized by law;

(9) To license, for purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in such town; and all shows, exhibitions and lawful games

carried on therein and within one mile of the corporate limits thereof; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; to regulate, restrain, or prohibit the running at large of any and all domestic animals within the city limits, or any part or parts thereof, and to regulate the keeping of such animals within any part of the city; to establish, maintain and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed on, and collected from, the owners of any impounded stock;

(10) To improve the rivers and streams flowing through such town or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to prevent the pollution of streams or water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the waterfront of the town, and to construct and maintain embankments and other works to protect such town from overflow;

(11) To erect and maintain buildings for municipal purposes;

(12) To grant franchises or permits to use and occupy the surface, the overhead and the underground of streets, alleys and other public ways, under such terms and conditions as it shall deem fit, for any and all purposes, including but not being limited to the construction, maintenance and operation of railroads, street railways, transportation systems, water, gas and steam systems, telephone and telegraph systems, electric lines, signal systems, surface, aerial and underground tramways;

(13) To punish the keepers and inmates and lessors of houses of ill fame, and keepers and lessors of gambling houses and rooms and other places where gambling is carried on or permitted, gamblers and keepers of gambling tables;

(14) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months;

(15) To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the town;

(16) To operate ambulance service which may serve the town and surrounding rural areas and, in the discretion of the council, to make a charge for such service;

(17) To make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the Constitution and laws

of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the town and its trade, commerce and manufacturers, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

**35.27.380 Additional powers—Eminent domain.** Whenever it becomes necessary for a town to take or damage private property for the purpose of establishing, laying out, extending, and widening streets and other public highways and places within the town, or for the purpose of rights-of-way for drains, sewers, and aqueducts, and for the purpose of widening, straightening, or diverting the channels of streams and the improvement of waterfronts, and the council cannot agree with the owner thereof as to the price to be paid, the council may direct proceedings to be taken under the general laws of the state to procure the same.

**35.27.400 Fire limits—Parks.** Towns are hereby given the power to establish fire limits with proper regulations; to acquire by purchase or otherwise, lands for public parks within or without the limits of the town, and to improve the same.

**35.27.410 Nuisances.** Every act or thing done or being within the limits of a town, which is declared by law or by ordinance to be a nuisance shall be a nuisance and shall be so considered in all actions and proceedings. All remedies given by law for the prevention and abatement of nuisances shall apply thereto.

**35.27.420 Taxation—Estimates to be filed.** On or before the second Monday in September of each year the town council shall make estimates of the amount required to meet the expenses of the town for the ensuing year and the amount necessary to be raised by taxation.

The estimates shall be fully itemized, showing under separate heads the amount required for each department, public office, public official, public improvement, maintenance of each public building, structure, or institution, the salary of each public officer or employee, the maintenance of public highways, roads, streets, and bridges and the construction, operation, and maintenance of each public utility. They shall contain a full and complete disclosure and statement of the contemplated expenditures for the ensuing year, showing the amount to be expended from each separate fund, and the total amount of public expense.

They shall also contain the total amount of emergency warrants issued during the preceding fiscal year. The statement shall also contain an estimate of the receipts for the ensuing year from sources other than direct taxation and the amount proposed to be raised

by taxation upon the real and personal taxable property within the town, which shall include a levy sufficient to pay any emergency warrants remaining unpaid and to reimburse any funds out of which any of them may have been paid.

**35.27.430 Taxation—Notice of hearing on estimates.** Notice of the hearing to be held on the budget estimates and the estimates themselves shall be published for at least two consecutive weeks following the adoption of the estimates in a newspaper of general circulation in the town.

The notice shall state that the town council will meet on the first Monday in October at the hour and place named therein for the purpose of making tax levies as stated in the estimates.

**35.27.440 Taxation—Hearing—Tax levies.** On the first Monday in October of each year at the hour and place designated in the notice of the hearing, the town council shall hold a hearing on the tax levies proposed in the estimates at which the taxpayer may appear in favor or against them. At the conclusion of the hearing the council shall determine the amount of taxes to be levied upon the current assessment rolls. All taxes voted shall be levied in specific sums which shall not exceed the amounts specified in the published estimates.

**35.27.450 Taxation—Tolerance allowed in expenditures—Penalty for violations.** It shall be unlawful for any town council, public officer or employee of a town to contract any indebtedness or incur any liability in behalf of the town during any current fiscal year more than two percent in excess of the revenues provided for that year in the town's formally adopted estimates unless authorized by a majority vote of the electors of the town at a general or special election and any indebtedness contracted or liability incurred in violation hereof shall be void: *Provided*, That this shall not apply to emergency expenditures authorized as provided in RCW 35.27.460 and 35.27.470.

Any person violating the provisions of this section and RCW 35.27.420, 35.27.430, 35.27.440, 35.27.460, 35.27.470 and 35.27.480 shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars nor more than five hundred dollars.

**35.27.460 Taxation—Nondebatable emergency expenditures.** Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or public health, or for the restoration to a condition of usefulness of any public property, the usefulness of which has been destroyed by accident, or for the relief of a stricken community overcome by calamity, or in settlement of

approved claims for personal injuries or property damages (exclusive of claims arising from the operation of any public utility owned by the town) or to meet mandatory expenditures required by laws enacted since the last annual estimate was adopted, or to cover expenses incident to asking necessary arrangements for the establishment of a new form of government between the date on which the change in form of government has been approved by the electorate of the town and the date on which it is to become effective, including the expenses incident to arranging for the initial selection of a city manager when the form of government has been changed to the council-manager plan, the town council, upon the adoption by unanimous vote of all members present of an ordinance stating the facts constituting the emergency and the estimated amount required to meet it, may make the expenditures therefor without any further notice or hearing.

**35.27.470 Taxation—Emergencies subject to hearing.** If a public emergency which could not reasonably have been foreseen at the time of making the annual estimate requires the expenditures of money not provided for in such estimate, and if it is not one of the emergencies specifically enumerated in RCW 35.27.460, the town council before making any expenditure beyond the two percent tolerance excess permitted, shall adopt an ordinance stating the facts constituting the emergency and the estimated amount required to meet it and declaring that an emergency exists.

This ordinance shall not be voted on until one week has elapsed after its introduction and it shall require the unanimous vote of the council members present and the approval of the mayor.

Any taxpayer may appear at the council meeting at which the emergency ordinance is to be voted on and be heard for or against the adoption thereof.

**35.27.480 Taxation—payment of emergency warrants.** All emergency expenditures shall be paid for by the issuance of emergency warrants. Emergency warrants shall be paid from any money on hand in the town treasury in the fund properly chargeable with the expenditure.

If at any time there is insufficient money on hand in the proper fund with which to pay any emergency warrant, the warrant shall be registered, bear interest and shall be called in the same manner as other town warrants.

**35.27.500 Taxation—Street poll tax.** A town may impose upon and collect from every male inhabitant of the town over twenty-one years of age an annual street poll tax not exceeding two dollars and no other road poll tax shall be collected within the limits of the town.

**35.27.510 Utilities—Transfer of part of net earnings to current expense fund.** When any special fund of a public utility department of a town has retired all bond and warrant indebtedness and is on a cash basis, if a reserve or depreciation fund has been created in an amount satisfactory to the division of municipal corporations in the office of the state auditor and if the fixing of the rates of the utility is governed by contract with the supplier of water, electrical energy, or other commodity sold by the town to its inhabitants, and the rates are at the lowest possible figure, the town council may set aside such portion of the net earnings of the utility as it may deem advisable and transfer it to the town's current expense fund: *Provided*, That no amount in excess of fifty percent of the net earnings shall be so set aside and transferred except with the unanimous approval of the council and mayor.

**35.27.520 Police justice—Appointment—Salary.** In every town a police justice shall be appointed from among the regularly elected justices of the peace and shall receive such salary in addition to his salary as justice of the peace as the council by ordinance may direct and shall give such additional bond as the council may provide.

**35.27.530 Police justice—Jurisdiction.** The police justice in addition to his powers as justice of the peace shall have exclusive jurisdiction over all offenses defined by any ordinance of the town and all other actions brought to enforce or recover any license, penalty, or forfeiture declared or given by any ordinance with full power to forfeit bail, issue executions on bail bonds, and hear and determine all causes, civil or criminal, arising under any ordinance and pronounce judgment in accordance therewith: *Provided*, That for the violation of a criminal ordinance no greater punishment shall be imposed than a fine of one hundred dollars or imprisonment not to exceed thirty days or both such fine and imprisonment.

**35.27.540 Police justice—Procedure—Review.** In actions brought before the police justice to enforce or recover any license, penalty, or forfeiture declared or given by any ordinance and in all other civil actions, the manner of commencing them, the manner of obtaining service upon the defendants, the procedure during the pendency of the action and for the enforcement of the judgment rendered and the procedure on appeal therefrom together with the time limitation on appeal shall be as provided in the case of civil actions before justices of the peace.

In the trial of actions brought for violations of town ordinances no jury shall be allowed and no change of venue shall be allowed from the police judge.



All civil and criminal proceedings before a police justice and judgments rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal.

**35.27.550 Off-street parking space and facilities—Authorized—Declared public use.** Towns of the fourth class are authorized to provide off-street parking space and facilities for motor vehicles, and the use of real property for such purpose is declared to be a public use.

**35.27.560 ————Financing.** In order to provide for off-street parking space and/or facilities, such towns are authorized, in addition to their powers for financing public improvements, to finance their acquisition through the issuance and sale of revenue bonds and general obligation bonds. Any bonds issued by such towns pursuant to this section shall be issued in the manner and within the limitations prescribed by the Constitution and the laws of this state. In addition local improvement districts may be created and their financing procedures used for this purpose in accordance with the provisions of Title 35, as now or hereafter amended. Such towns may finance from their general budget, costs of land acquisition, planning, engineering, location, design and construction to the off-street parking.

**35.27.570 ————Acquisition and disposition of real property.** Such towns are authorized to obtain by lease, purchase, donation and/or gift, or by eminent domain in the manner provided by law for the exercise of this power by cities, such real property for off-street parking as the legislative bodies thereof determine to be necessary by ordinance. Such property may be sold, transferred, exchanged, leased, or otherwise disposed of by the town when its legislative body has determined by ordinance such property is no longer necessary for off-street parking purposes.

**35.27.580 ————Operation—Lease.** Such towns are authorized to establish the methods of operation of off-street parking space and/or facilities by ordinance, which may include leasing or municipal operation.

**35.27.590 ————Hearing prior to establishment.** Before the establishment of any off-street parking space and/or facilities, the town shall hold a public hearing thereon, prior to the adoption of any ordinance relating to the leasing or acquisition of property, and for the financing thereof for this purpose.

**35.27.600 ————Construction.** Insofar as the provisions of RCW 35.27.550 through 35.27.600 are inconsistent with the provisions of any other law, the provisions of RCW 35.27.550 through 35.27.600 shall be controlling.

**Chapter 35.30****UNCLASSIFIED CITIES**

**35.30.010 Additional powers.** The council, or other legislative body, of all cities within the state of Washington which were created by special charter prior to the adoption of the state Constitution, and which have not since reincorporated under any general statute, shall have, in addition to the powers specially granted by the charter of such cities, the following powers:

(1) To construct, establish and maintain drains and sewers.

(2) To impose and collect an annual license not exceeding two dollars on every dog owned or harbored within the limits of the city.

(3) To levy and collect annually a property tax on all property within such city.

(4) To license all shows, exhibitions and lawful games carried on therein; and to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

(5) To permit, under such restrictions as they may deem proper, the construction and maintenance of telephone, telegraph and electric light lines therein.

(6) To impose fines, penalties and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment or both, but no such fine shall exceed three hundred dollars nor the term of imprisonment exceed three months.

(7) To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the city.

(8) To make all such ordinances, bylaws and regulations, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the city, and to do and perform any and all other acts and things necessary and proper to carry out the purposes of the municipal corporation.

**35.30.020 Sewer systems—Sewer fund.** The city council of all unclassified cities in this state are authorized to construct a sewer or system of sewers and to keep the same in repair; the cost of such sewer or sewers shall be paid from a special fund to be known as the "sewer fund" to be provided by the city council, which fund shall be created by a tax on all the property within the limits of such city: *Provided*, That such tax shall not exceed fifty cents on each one hundred dollars of the assessed value of all real and personal property within such city for any one year. Whenever it

shall become necessary for the city to take or damage private property for the purpose of making or repairing sewers, and the city council cannot agree with the owner as to the price to be paid, the city council may direct proceedings to be taken by law for the condemnation of such property for such purpose.

**35.30.030 Assessment, levy and collection of taxes.** The city council shall have power to provide by ordinance a complete system for the assessment, levy, and collection of all city taxes. All taxes assessed together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed from and after the first day of November each year; which liens may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance or by action in any court of competent jurisdiction to foreclose such liens: *Provided*, That any property sold for taxes shall be subject to redemption within the time and within the manner provided or that may hereafter be provided by law for the redemption of property sold for state and county taxes.

**35.30.040 Limitation of indebtedness.** Whenever it is deemed advisable to do so by the city council thereof, any city having a corporate existence in this state at the time of the adoption of the Constitution thereof is hereby authorized and empowered to borrow money and to contract indebtedness in any other manner for general municipal purposes, not exceeding in amount, together with the existing general indebtedness of the city, the amount of indebtedness authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters.

**35.30.050 Additional indebtedness with popular vote.** Any such city may borrow money or contract indebtedness for strictly municipal purposes over the amount specified in RCW 35.30.040, but not exceeding in amount, together with existing general indebtedness, the amount of indebtedness authorized by chapter 39.36 RCW as now or hereafter amended, to be incurred with the assent of the voters, through the council of the city, whenever three-fifths of the voters assent thereto, at an election to be held for that purpose, at such time, upon such reasonable notice, and in the manner presented by the city council, not inconsistent with the general election laws.

**35.30.060 Additional indebtedness for municipal utilities.** In addition to the powers granted in RCW 35.30.040 and 35.30.050, any such city, through its council may borrow money or contract indebtedness not exceeding in amount the amount of indebted-

ness authorized by chapter 39.36.RCW, as now or hereafter amended, for the purpose of supplying the city with water, artificial light, or sewers, when the plants used therefor are owned and controlled by the city, whenever three-fifths of the voters assent thereto at an election to be held for that purpose, according to the provisions of RCW 35.30.050.

## Chapter 35.31

### ACCIDENT CLAIMS AND FUNDS

**35.31.010 First class cities—Statement of residence required—Time for filing.** Whenever a claim for damages sounding in tort against any city of the first class is presented to and filed with the city clerk or other proper officer of the city, in compliance with valid charter provisions thereof, such claim must contain in addition to the valid requirements of the city charter relating thereto, a statement of the actual residence of the claimant, by street and number, at the date of presenting and filing such claim; and also a statement of the actual residence of the claimant for six months immediately prior to the time the claim for damages accrued.

All claims for damages against any city of the first class must be filed with the city clerk or other proper officer within ninety days from the date that the damage occurred or the injury was sustained: *Provided*, That claims for damages arising from an alleged defective sidewalk must be filed within thirty days from the date the damage occurred or the injury was sustained.

**35.31.020 First class cities—Provisions cumulative—Time for filing—Claims by relatives or agents.** Nothing herein shall be construed as in anywise modifying, limiting or repealing any valid provision of the charter of any first class city relating to such claims for damages, except as provided in RCW 35.31.010 and this section, but the provisions hereof shall be in addition to such charter provisions, and such claims for damages, in all other respects, shall conform to and comply with such charter provisions. All claims for damages against a city of the first class shall be filed within ninety days from the date that the damage occurred or the injury was sustained: *Provided*, That claims for damages arising from an alleged defective sidewalk must be filed within thirty days from the date the damage occurred or the injury was sustained: *Provided further*, That if the claimant is incapacitated from verifying and filing his claim for damages within the time prescribed, or if the claimant is a minor, or in case the claim is for damages to real or personal property, and if the owner of such property is a nonresident of such city or is absent therefrom during the time

within which a claim for damages to said property is required to be filed, then the claim may be verified and presented on behalf of the claimant by any relative or attorney or agent representing the injured person, or in case of damages to property, representing the owner thereof.

**35.31.030 Compliance mandatory.** Compliance with the provisions of RCW 35.31.010 and 35.31.020 is hereby declared to be mandatory upon all such claimants presenting and filing any such claims for damages.

**35.31.040 Other than first class cities—Presentation and filing of claim, time limitation—Verification—Report—Requisites of claim.** All claims for damages against any city of the second or third class or town must be presented to the city or town council and filed with the city or town clerk within ninety days from the date that the damage occurred or the injury was sustained: *Provided*, That claims for damages arising from an alleged defective sidewalk must be filed within thirty days from the date the damage occurred or the injury was sustained: *Provided further*, That if the claimant is incapacitated from verifying and filing his claim for damages within said time limitation, or if the claimant is a minor, then the claim may be verified and presented on behalf of the claimant by any relative or attorney or agent representing the injured person.

No ordinance or resolution shall be passed allowing such claim or any part thereof, or appropriating any money or other property to pay or satisfy the same or any part thereof, until the claim has first been referred to the proper department or committee, nor until such department or committee has made its report to the council thereon pursuant to such reference.

All such claims for damages must accurately locate and describe the defect that caused the injury, reasonably describe the injury and state the time when it occurred, give the residence for six months last past of claimant, contain the item of damages claimed and be sworn to by the claimant or a relative, attorney or agent of the claimant.

No action shall be maintained against any such city or town for any claim for damages until the same has been presented to the council and sixty days have elapsed after such presentation.

**35.31.050 Accident fund—Warrants for judgments.** Every city of the second or third class and town may create an accident fund upon which the clerk shall draw warrants for the full amount of any judgment including interest and costs against the city or town on account of personal injuries suffered by any person as shown by a transcript of the judgment duly certified to the clerk. The warrants shall be issued in denominations not less than one hun-

dred dollars nor more than five hundred dollars; they shall draw interest at the rate of six percent per annum, shall be numbered consecutively and be paid in the order of their issue.

**35.31.060 Tax levy for fund.** The city or town council after the drawing of warrants against the accident fund shall estimate the amount necessary to pay the warrants with accrued interest thereon, and shall levy a tax sufficient to pay that amount not exceeding three mills on the dollar. If a single levy of three mills is not sufficient, an annual levy of three mills shall be made until the warrants and interest are fully paid.

**35.31.070 Surplus to current expense fund.** If there is no judgment outstanding against the city or town for personal injuries the money remaining in the accident fund after the payment of the warrants drawn on that fund and interest in full shall be transferred to the current expense fund.

## Chapter 35.32

### BUDGETS IN CITIES OVER 300,000

**35.32.010 Definitions.** Unless the context clearly indicates otherwise, words used in this chapter have the meaning given in this section:

(1) Auditor means the chief auditing officer, comptroller, auditor, or clerk of a city.

(2) Budget means a definite plan for the financing of the city government for a specified fiscal period.

(3) Capital and betterment outlays include all amounts expended for permanent improvements such as the construction of or addition to public buildings, highways, or bridges, the acquisition of real estate, purchase of equipment, machinery, and furniture and all similar outlays representing tangible assets.

(4) Council includes the respective governing officials, city councils or city commissioners.

(5) Item means a specified sum to be paid for salaries, the total of any amount authorized to be paid for any specified kind of labor, the total of any amount authorized to be paid for any specified purpose, or specified sums to be paid for each capital outlay in a department.

(6) Operating and maintenance expenses include the salaries of every officer and employee, the amounts required for the upkeep and maintenance of the respective departments, the maintenance and repair of public streets, highways, bridges, buildings, and similar expenses.

**35.32.020 Budget mandatory—Other expenditures void.** No public officer or employee of a city having a population of over three hundred thousand shall contract any indebtedness or incur any liability in any manner, either for a purpose not provided for in the city's budget prepared and adopted as provided in this chapter or in excess of the amount appropriated for any specific item as set forth therein. All orders, authorizations, allowances, contracts, or payments made or attempted to be made in violation of the provisions of this chapter shall be void and shall never be the foundation of a claim against the city.

**35.32.030 Budget estimates.** On or before the tenth day of July of each year, the heads of all departments shall submit to the finance committee of the city council an estimate of the probable expense of their several departments for the ensuing year.

If any person charged with the duty of preparing a budget estimate for any department fails to file it at the time or in the manner prescribed, the council may prepare the estimate for the department from the records of his office and other competent information.

**35.32.040 Budget estimates—Classification and segregation.** The annual budget estimates shall be designated, grouped, and assembled under classifications to be prescribed by the state auditor under the following segregations:

- (1) Operating and maintenance expenses;
- (2) Capital and betterment outlays; and
- (3) Emergency expenditures.

**35.32.050 Budget estimates—Deficits—Debts.** The city council shall prepare an estimate of the various amounts required to meet interest and redemption payments upon the debt of the city for the ensuing year and the net amount of the surplus or deficit in the various funds as established at the close of the previous year from the official records.

**35.32.060 Budget estimates—Revenues.** The city council shall also prepare an estimate of the revenues, other than taxes, that are likely to accrue to the city. The auditor shall furnish the council such information as it requires in preparing this estimate.

**35.32.070 Budget—Preliminary hearing—Publication.** On or before the first Monday in September, after the proper assembling of the estimates of the various departments and after consideration of the estimates, during which consideration all persons interested shall be given an opportunity for a thorough and complete discussion of the items stated therein, the council shall adopt

the preliminary budget and cause a complete copy thereof to be published once each week for two successive weeks.

**35.32.080 Budget—Final hearing—Adoption.** On or before the first Monday in October, the council shall further consider the estimates in the preliminary budget at which hearings all persons interested shall be given an opportunity for discussion and suggestions, and the council shall then determine the changes to be made in the preliminary budget and adopt as the final budget the preliminary budget so amended.

In making up the final budget, the council may make transfers as between items for any department and may reduce any item, but it shall not allow to any department a greater total amount than was allotted to it in the preliminary budget.

**35.32.090 Budget forms—Compulsory.** The state auditor shall prepare the proper budget forms and every auditor shall install such forms and prepare the claim sheets, vouchers, warrant registers, and other records so as to accommodate and classify the revenues and expenses under the classifications required in the budget in order to make a proper comparison between the amounts listed in the budget with the actual expenditures made against them and to facilitate the assembling of uniform statistical data of the fiscal affairs of all cities.

**35.32.100 Emergency—Creation of fund.** Every city having a population of over three hundred thousand shall maintain an emergency fund supported by a levy included in the annual budget to produce an amount which together with any balance in the emergency fund does not exceed one and one-half mills on each dollar of assessed valuation or by a transfer from other funds or both. Transfers may be made to the emergency fund when the necessity therefor arises from any fund except trust funds and sinking funds for the redemption of bonds. Any deficit in the general fund, or any other fund, created by such transfer, shall be provided for in the next succeeding tax levy.

**35.32.110 Emergency—Withdrawals.** No money shall be withdrawn from the emergency fund except by warrant specifically authorized by an ordinance clearly stating the facts constituting the emergency. An ordinance declaring an emergency shall become effective immediately upon being approved by the mayor or upon being passed over his veto as provided by the charter of any such city.

**35.32.120 Emergencies declarable by three-fourths vote.** The council by an ordinance passed by three-fourths of its members



may authorize the expenditure of sufficient money from the emergency fund to meet the expenses or obligations:

(1) Caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, act of God, act of the public enemy or any other such happening that could not have been anticipated; or

(2) For the immediate preservation of order or public health or for the restoration to a condition of usefulness of public property the usefulness of which has been destroyed by accident; or

(3) In settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of a public utility owned by the city; or

(4) To meet mandatory expenditures required by laws enacted since the last budget was adopted.

**35.32.130 Emergencies requiring unanimous vote.** The council by an ordinance passed by unanimous vote of all its members may appropriate from the emergency fund, an amount sufficient to meet the actual necessary expenditures of any department for which insufficient or no appropriations have been made due to causes which could not reasonably have been foreseen at the time of the making of the budget, but such unanimous vote requirement shall exclude members absent on leave or on account of illness.

**35.32.140 Funds—Appropriations—Transfers.** On or before December 15th of each year the council by ordinance shall appropriate to each department the specific amounts allowed to it in the final budget subject to the authority of the council by ordinance to make transfers as between items in the budget of any department and to withdraw the whole or any unexpended part of any item for maintenance or betterments listed in the appropriation ordinance.

**35.32.150 Funds—Monthly budget—Exceptions.** It shall not be lawful for any board, department, officer or employee to incur, authorize, or contract for in any one month any expenditure or demand against any budget appropriation which, taken with all other expenditures, indebtedness, or liability made or incurred during the month against the appropriation, exceeds one-twelfth of the amount of the appropriation for the fiscal year, except that for any sudden or unforeseen demand, accident, or seasonal expense or for any expenditure the nature of which necessitates lump sum appropriations and payments or for the purchase of any material or supplies procurable to better advantage in larger quantities, the council or its finance committee may suspend the one-twelfth restriction to the extent of but not to exceed the unexpended allowance in the budget for such item or items for the current fiscal year.

**35.32.160 Unexpended appropriations—Annual—Operating and maintenance.** All sums provided in the budget for operating and maintenance expenses of any department or activity other than municipal utility departments remaining unexpended or unencumbered at the close of the fiscal year, except such sums as the council, by ordinance, shall designate, shall automatically revert to the city's surplus account and shall be applied to the reduction of the tax levy of the next fiscal year.

**35.32.170 Unexpended appropriations—Annual—Capital and betterment outlays.** All sums provided in the budget for capital or betterment outlays of any department other than municipal utility departments remaining unexpended or unencumbered at the close of the fiscal year shall remain in full force and effect and shall be held available for those items for the following year, except such as the council by ordinance may have abandoned. The abandoned items shall be credited to the surplus account and applied to the reduction of the tax levy for the following year.

**35.32.180 Unexpended balances—Monthly.** If, at the beginning of any month, any money remains unexpended in any appropriation which lawfully might have been expended during the preceding month of the fiscal year, such unexpended balance may be carried forward and expended in any succeeding month of the same fiscal year but not thereafter.

**35.32.190 Utilities—Exemption from budget control—Capital and emergency expenditures.** Notwithstanding the provisions of this chapter, the utilities of a city having a population of over three hundred thousand owning public utilities supported wholly by revenues derived from sources other than taxation shall not be required to confine their capital, betterment, or emergency expenditures to items provided for in the budget.

**35.32.195 Municipal transportation systems—Budget by transportation commission.** In any city of the first class having a population of three hundred thousand or more, where there is a transportation commission vested with the power to manage a municipal transportation system, that commission is hereby vested with the power to budget and manage all funds of the municipal transportation system.

**35.32.200 Computation of indebtedness.** In computing the legal limit of indebtedness of any city, taxes levied for the purposes set forth in the budget shall not be considered an asset, but shall be deemed for such purposes to have already been pledged and expended for the items set forth in the budget: *Provided*, That all

taxes levied for the redemption of bonds or warrants or other public debts, shall be deemed a competent and valid asset of the city to be considered in the calculations of the legal debt limitations.

**35.32.210 Violations and penalties.** Every public official authorizing, auditing, allowing, or paying any claims or demands against a city in violation of the provisions of this chapter shall be jointly and severally liable to the city in person and upon their official bonds to the extent of any payments upon such claims or demands.

Every person shall be charged with notice of the financial condition of the city and the limitations imposed upon expenditures by the budget and claims against it.

If any officer or employee charged with the duty of preparing a budget estimate for any department fails to file it at the time or in the manner prescribed, the council may cause to be deducted from his salary ten dollars for every day of such failure after the tenth of July not exceeding a total of fifty dollars for any one person in any one year. The deductions shall be made from the delinquent's next salary warrant by the auditor upon notice from the city council of the length of the delay.

Every person violating any of the provisions of this chapter, in addition to any other liability or penalty provided therefor, shall be guilty of a misdemeanor.

### Chapter 35.33

#### BUDGETS IN SECOND AND THIRD CLASS CITIES AND FIRST CLASS CITIES UNDER 300,000

**35.33.010 Definitions.** Unless the context clearly indicates otherwise, "clerk" as used in this chapter means the officer performing the functions of a city comptroller or auditor by whatever title he may be known in any individual city.

**35.33.020 Applicability of chapter.** The provisions of this chapter apply to cities of the first class which have a population of less than three hundred thousand and to all cities of the second and third classes.

**35.33.030 Budget estimates.** On or before the second Monday in July of each year the clerk shall notify in writing every person in charge of an office, department, division, service, or institution of the city to file with him on or before the second Monday in August thereafter, detailed and itemized estimates, of the probable revenue from sources other than taxation, and of all expenditures required by his office, department, division, service, or institution for the ensuing fiscal year. The notice shall be accompanied by

the proper forms provided by the clerk made in accordance with the requirements and classification established by the division of municipal corporations in the office of the state auditor.

The clerk shall prepare the estimates for interest and debt redemption requirements and all other estimates the preparation of which falls properly within the duties of his office.

The city commission in cities having the commission form of government and the mayor in all other cities shall submit to the clerk detailed estimates of all expenditures proposed to be financed from the proceeds of bonds or warrants not yet authorized, together with a statement of the proposed method of financing them.

It shall be the duty of all city officials to file the estimates within the time and in the manner specified in the clerk's notice and the clerk shall deduct and withhold from the salary of each official failing to file such estimates as herein provided the sum of ten dollars for each day of delay, but the total penalty against any one official shall not exceed fifty dollars in one year. The clerk's notice shall contain a copy of this penalty clause.

In the absence or disability of the official or person regularly in charge, the duties herein required shall devolve upon the person in charge of any office, department, division, service, or institution for the time being.

**35.33.040 Budget estimates—Classification and segregation—Transfer.** All estimates, appropriations and expenditures shall be classified under the general classes of:

- (1) Salaries and wages;
- (2) Maintenance and operation;
- (3) Capital outlay;
- (4) Interest and debt redemption;
- (5) Expenditures proposed to be made from bond or warrant issues not yet authorized.

Within the general class of "salaries and wages" each salary shall be set forth separately, together with the title or position of the recipient. Wages for day labor may be given in totals according to the general purpose or object for which to be expended but the proposed rate per diem for each class or kind of labor shall be set forth. Expenditures coming under the general class of "maintenance and operation" shall be classified according to the standard classification established by said division of municipal corporations. Expenditures for "capital outlay" shall set forth and describe each proposed object of expenditure separately. Under the general class of "interest and debt redemption" proposed expenditures for interest and for redemption of principal shall be set forth separately and for each series or issue of bonds and requirement for warrant redemption and interest shall be set out in a like manner. The total

amount of emergency warrants issued during the preceding fiscal year shall be set out separately together with a statement showing each emergency and the amount of warrants issued therefor.

If a city rejects bids on a capital outlay project and proceeds to construct same by force account, it may transfer from the budget classification capital outlay to the classification salary and wages such funds as are necessary to pay salaries and wages in completing the project.

**35.33.050 Budget—Preliminary.** On or before the first Tuesday in September of each year the clerk shall submit to the commission in cities having a commission form of government and to the mayor in all other cities the city's proposed preliminary budget which shall set forth the complete financial program of the city for the ensuing year, showing the expenditure program and the sources of revenue by which it is to be financed.

The revenue section shall set forth the estimated receipts from sources other than taxation for each office, department, division, service, or institution for the ensuing fiscal year and the actual receipts for the last completed fiscal year, the estimated surplus at the close of the current fiscal year and the amount to be raised by taxation.

The expenditure section shall set forth in comparative and tabular form by offices, departments, division, services, and institutions the estimated expenditures for the ensuing fiscal year, the appropriations for the current fiscal year and the actual expenditures for the last completed fiscal year.

The commission or mayor, as the case may be, shall consider the proposed preliminary budget in detail and after making any revisions or additions deemed advisable shall file it with the city clerk. The commission or the mayor, as the case may be, shall provide a sufficient number of copies of such preliminary budget to meet the reasonable demands of taxpayers therefor and have them available for distribution not later than two weeks before the first Monday in October.

**35.33.060 Budget—Notice of hearing on final.** Immediately following the adoption of the preliminary budget the city commission in cities having the commission form of government and the mayor in all other cities shall publish a notice once each week for two consecutive weeks stating that the preliminary budget for the ensuing fiscal year has been filed with the clerk, that a copy thereof will be furnished to any taxpayer who will call at the clerk's office therefor and that the commission in cities having the commission form of government or the city council in all other cities will meet on the first Monday in October thereafter for the purpose

of fixing the final budget and making the tax levies, designating the time and place of the meeting and that any taxpayer may appear thereat and be heard for or against any part of the budget. The publication shall be made in the official newspaper of the city if there is one, otherwise in a newspaper of general circulation in the city.

**35.33.070 Budget—Final—Hearing—Adoption.** On the first Monday in October in each year, the city commission or city council shall meet for the purpose of fixing the final budget and making the tax levies at the time and place designated in the notice thereof. Any taxpayer may appear and be heard for or against any part of the budget. The hearing may be continued from day to day but not to exceed a total of five days. The officials in charge of the several offices, departments, divisions, services, and institutions shall be present at the time the estimates for their respective offices, departments, divisions, services, or institutions are under consideration and may be questioned by the commission, council or mayor or by any taxpayer present concerning such estimates.

Upon the conclusion of the hearing the city commission or council shall determine each item of the budget separately and shall by ordinance adopt the budget, setting out in separate totals the appropriation total for each of the five general classes. It shall then by ordinance fix the amount necessary to be levied to raise the total estimated expenditures less the total of the estimated revenues (including available surplus) from sources other than taxation, and such expenditures as are to be met from future bond or warrant issues, and certify the resulting remainder to the county commissioners as the amount to be raised by taxation. This amount shall not exceed the amount necessary to be raised by taxation as specified in the preliminary budget.

A copy of the budget as adopted shall be transmitted to the division of municipal corporations in the office of the state auditor.

**35.33.080 Emergency expenditures—Nondebatable emergencies.** Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or public health, or for the restoration to a condition of usefulness of any public property, the usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by calamity, or in settlement of approved claims for personal injuries or property damage (exclusive of claims arising from the operation of any public utility owned by the city), or to meet mandatory expenditures required by laws enacted since the last annual budget was adopted, or to

cover expenses incident to making necessary arrangements for the establishment of a new form of government between the date on which the change in form of government has been approved by the electorate of the city and the date on which it is to become effective, including the expenses incident to arranging for the initial selection of a city manager when the form of government has been changed to the council-manager plan, the city commission or council upon the adoption by the vote of one more than the majority of all members of the legislative body of the city of an ordinance stating the facts constituting the emergency and the estimated amount required to meet it, may make the expenditures therefor without notice or hearing.

**35.33.090 Emergency expenditures—Other emergencies—Hearing.** If a public emergency which could not reasonably have been foreseen at the time of the making of the estimates for the annual budget requires the expenditure of money not provided for in the annual budget, and if it is not one of the emergencies specifically enumerated in RCW 35.33.080 the city commission or council before making any expenditure therefor shall adopt an ordinance stating the facts constituting the emergency and the estimated amount required to meet it and declaring that an emergency exists.

Such ordinance shall not be voted on until one week has elapsed after its introduction, and for passage shall require the vote of one more than the majority of all members of the legislative body of the city, and in cities not having the commission form of government must also be approved by the mayor.

Any taxpayer may appear at the meeting at which the emergency ordinance is to be voted on and be heard for or against the adoption thereof. Any city which publishes a weekly bulletin or official gazette shall publish a copy of the proposed ordinance therein together with a notice of the time set thereon before the day set for the vote.

**35.33.100 Emergency warrants.** All emergency expenditures shall be paid from any available funds or by the issuance of emergency warrants. If emergency warrants are issued, they shall be paid from any moneys on hand in the city treasury in the fund properly chargeable with such expenditures.

If at any time there is insufficient money on hand in the fund with which to pay any emergency warrant, the warrant shall be registered, bear interest and be called in the same manner as other city warrants.

If such emergency expenditures are not paid from available funds during the year in which they were appropriated, the clerk shall include in the annual budget to be submitted to the city

commission or mayor the total amount of emergency warrants issued during the preceding fiscal year; and at the time the final budget is adopted the city commission or council shall include in its tax levies a levy sufficient to reimburse the fund or funds out of which the emergency warrants were paid or shall budget an item from any revenue source available, for the fund or funds: *Provided*, That any or all of such warrants may be funded into bonds in any manner authorized by law if deemed advisable.

**35.33.105 Adjustment of wages, etc., of electrical workers permissible, budget notwithstanding.** Notwithstanding any final yearly budget adopted, the city commission or council of any city of the second or third class owning an electrical generating and/or distributing system may, not more than once in each budget year, by ordinance adopted by the majority vote of all the members present, place in effect any adjustment or change in wages, hours and conditions of employment of its electrical generating and/or distributing system employees: *Provided*, That no change shall be made which would result in an excess of expenditures over revenues. Any increase in expenditures resulting from any such adjustment shall be paid for the remainder of the budget year exclusively from revenues of the system.

**35.33.110 Forms—Accounting—Supervision by state.** The division of municipal corporations in the office of the state auditor is empowered to make and install the forms and classifications required by this chapter, to define what expenditures are chargeable to each budget class and to establish the accounting and cost systems necessary to secure accurate budget information.

**35.33.120 Funds—Limitations on expenditures—Transfers.** The expenditures as classified and itemized in the final budget shall constitute the city's appropriations for the ensuing fiscal year. Every officer and employee of the city shall be limited in the making of expenditures and incurring of liabilities to the amounts of the detailed appropriation items or classes, or to any amounts of appropriations which may be lawfully carried forward from prior fiscal years pursuant to RCW 35.33.150. Nothing herein shall prevent the proper officers or employees of the city from making expenditures of moneys received from the sale of general obligation or revenue bonds for the purposes for which they were issued pursuant to state law, irrespective of whether or not an item therefor has been included in the city's annual budget. Transfers between the general classes and expenditures from funds received in excess of estimated revenues shall be permitted when authorized by a resolution duly adopted by the majority vote of all members of the legislative body of any city: *Provided*, That the legislative



body shall at all times have the power by ordinance with the vote of one more than the majority of all members thereof, to revoke, recall, or decrease the whole or any part of any unexpended item as above provided, and shall further in said ordinance find that it is to the best interest of the municipality that such revocation, recall, or decrease of any unexpended item listed in the budget appropriation be made. Transfers between items within any class in the budget may be made by the city's chief administrative or finance officer, subject to such regulations as may be imposed by the legislative body thereof, but no salary shall be increased above the amount provided therefor in the budget except as otherwise provided in RCW 35.33.105. Notwithstanding the provisions of any statute to the contrary, the budgetary transfers herein authorized may be made as between any offices, departments, divisions, services, institutions, etc., or any combination thereof with a city's organizational structure which operate from the appropriations of the same fund.

Liabilities incurred by any officer or employee of the city in excess of any budget appropriation shall not be a liability of the city. The clerk shall issue no warrant and the city commission, council or mayor shall approve no claim for an expenditure in excess of any individual budget appropriation except upon an order of a court of competent jurisdiction or for emergencies as provided in this chapter.

**35.33.130 Funds received from sales of bonds and warrants—Expenditure.** Moneys received from the sale of bonds or warrants shall be used for no other purpose than that for which they were issued and no expenditure shall be made for that purpose until the bonds have been duly authorized. If any surplus remains from the proceeds realized from the bonds or warrants after the accomplishment of the purpose for which they were issued it shall be used for the redemption of the city debt. Where a budget contains an expenditure program to be financed from a bond issue to be authorized thereafter no such expenditure shall be made or incurred until after the bonds have been duly authorized.

**35.33.140 Funds—Monthly report of status.** On or before the twenty-fifth day of each month the clerk shall submit to the city commission or council and mayor a report showing the expenditures and liabilities against each separate budget appropriation incurred during the preceding calendar month and like information for the whole of the current fiscal year to the first day of the current month together with the unexpended balance of each appropriation. He shall also set forth the receipts from taxes and from sources other than taxation for the same periods.

**35.33.150 Unexpended appropriations.** All appropriations in current operating funds shall lapse at the end of each fiscal year, however, this shall not prevent payments in the following year upon uncompleted improvements in progress or unfilled orders, for the purchase of material, equipment and supplies, which have been properly budgeted and contracted for prior to the close of such fiscal year.

All appropriations in special funds authorized by ordinance or by state law to be used only for the purpose or purposes therein specified, including any cumulative reserve funds lawfully established in specific or general terms for any municipal purpose or purposes, shall not lapse, but shall be carried forward from year to year until fully expended.

The accounts for budgetary control shall be kept open for twenty days after the close of each fiscal year for the purpose of paying and recording claims for indebtedness incurred during such fiscal year; any claim presented after the twentieth day following the close of the fiscal year shall be paid from appropriations lawfully provided for the ensuing period, including those made available by provisions of this section.

**35.33.160 Violations and penalties.** Every person who violates any of the provisions of this chapter shall be fined not less than twenty-five dollars nor more than one hundred dollars.

## Chapter 35.36

### EXECUTION OF BONDS BY PROXY—FIRST CLASS CITIES

**35.36.010 Appointment of proxies.** The mayor, city comptroller and city clerk of every city of the first class may each severally designate one or more bonded persons to affix his signature to any bond or bonds requiring his signature.

If the signature of one of these officers is affixed to a bond during his continuance in office by a proxy designated by him whose authority has not been revoked, the bond shall be as binding upon the city and all concerned as though the officer had signed the bond in person.

This chapter shall apply to all bonds, whether they constitute obligations of the city as a whole or of any local improvement or other district or subdivision thereof, whether they call for payment from the general funds of the city or from a local, special or other fund, and whether negotiable or otherwise.

**35.36.020 Coupons—Printing facsimile signatures.** A facsimile reproduction of the signature of the mayor, city comptroller, or city clerk in every city of the first class may be printed, engraved,

or lithographed upon bond coupons with the same effect as though the particular officer had signed the coupon in person.

**35.36.030 Deputies—Exemptions.** Nothing in this chapter shall be construed as requiring the appointment of deputy comptrollers or deputy city clerks in first class cities to be made in accordance herewith so far as concerns signatures or other doings which may be lawfully made or done by such deputy under the provisions of any other law.

**35.36.040 Designation of bonds to be signed.** The officer whose duty it is to cause any bonds to be printed, engraved, or lithographed, shall specify in a written order or requisition to the printer, engraver, or lithographer the number of bonds to be printed, engraved, or lithographed and the manner of numbering them.

Every printer, engraver, or lithographer who prints, engraves, or lithographs a greater number of bonds than that specified or who prints, engraves, or lithographs more than one bond bearing the same number shall be guilty of a felony.

**35.36.050 Liability of officer.** A mayor, comptroller, or clerk authorizing the affixing of his signature to a bond by a proxy shall be subject to the same liability personally and on his bond for any signature so affixed and to the same extent as if he had affixed his signature in person.

**35.36.060 Notice to council.** In order to designate a proxy to affix his signature to bonds, a mayor, comptroller, or clerk shall address a written notice to the governing body of the city giving the name of the person whom he has selected therefor and stating generally or specifically what bonds are to be so signed.

Attached to or included in the notice shall be a written signature of the officer making the designation executed by the proposed proxy followed by the word "by" and his own signature; or, if the notice so states, the specimen signatures may consist of a facsimile reproduction of the officer's signature impressed by some mechanical process followed by the word "by" and the proxy's own signature.

If the authority is intended to include the signature upon bonds bearing an earlier date than the effective date of the notice, the prior dated bonds must be specifically described by reasonable reference thereto.

The notice designating a proxy shall be filed with the city comptroller or city clerk, together with the specimen signatures attached thereto and a record of the filing shall be made in the journal of the governing body. This record shall note the date and hour of filing and may be made by the official who keeps the journal at

any time after filing of the notice, even during a period of recess or adjournment of the governing body. The notice shall be effective from the time of its recording.

**35.36.070 Revocation of proxy.** Any designation of a proxy may be revoked by written notice addressed to the governing body of the city signed by the officer who made the designation and filed and recorded in the same manner as the notice of designation. It shall be effective from the time of its recording but shall not affect the validity of any signature theretofore made.

### Chapter 35.37

#### FISCAL—CITIES UNDER 20,000 AND CITIES OTHER THAN FIRST CLASS—BONDS

**35.37.010 Accounting—Funds.** Every city and town having less than twenty thousand inhabitants shall maintain a current expense fund out of which it must pay current expenses. It shall also maintain an "indebtedness fund," and if it has outstanding general indebtedness bonds, it must maintain a sinking fund therefor. If it maintains waterworks, lighting plant, cemetery, or other public works or institutions from which rent or other revenue is derived it must maintain a separate fund for each utility or institution. All moneys collected by such cities and towns from licenses shall be credited to the current expense fund.

**35.37.020 Accounting—Surplus and deficit in utility accounts.** Any deficit for operation and maintenance of utilities and institutions owned and controlled by cities and towns having less than twenty thousand inhabitants, over and above the revenue therefrom, shall be paid out of the current expense fund. Any surplus in the waterworks fund, lighting fund, cemetery fund, or other like funds at the end of the fiscal year shall be paid into the current expense fund except such part as the council by a finding entered into the record of the proceedings may conclude to be necessary for the purpose of:

(1) Extending or repairing the particular utility or institution;  
or

(2) Paying interest or principal of any indebtedness incurred in the construction or purchase of the particular utility or institution; or

(3) Creating or adding to a sinking fund for the payment of any indebtedness incurred in the construction or purchase of the particular utility or institution.

**35.37.025 Funds of annexed portions to be kept distinct.** In all cases where the limits of a city or town have been extended, the city or town officers shall arrange and maintain the accounts and funds of the city or town in such a manner that the interests of the inhabitants and taxpayers of the several districts of the municipality in the various funds and property thereof shall be clearly shown and in all transactions these different interests shall be considered and protected.

**35.37.027 Validation of preexisting obligations by former city.** All elections for the validation of any debt created by any city or town which has since become consolidated with any other city or town shall be by ballot, and the vote shall be taken in the new consolidated city as constituted at the time of the election.

**35.37.030 Applicability of chapter.** The provisions of the remainder of this chapter shall not be applied to cities of the first class nor to borrowing money and issuing bonds by any city or town for the purpose of supplying it with water, artificial light, or sewers if the works for supplying the water, artificial light, or sewers are to be owned and controlled by the city or town.

**35.37.040 Authority to contract debts—Limits.** Every city and town, may, without a vote of the people, contract indebtedness or borrow money for strictly municipal purposes on the credit of the city or town and issue negotiable bonds therefor in an amount which when added to its existing indebtedness will not exceed the amount of indebtedness authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters.

When bonds are issued under this section the ordinance providing therefor shall contain a statement showing the assessed valuation of the taxable property in the city or town as ascertained by the last preceding assessment for city or town purposes, together with the amount of the existing indebtedness of the city or town, which indebtedness shall include the amount for which such bonds are issued. Passage of such ordinance shall require the votes of at least four councilmen.

**35.37.050 Excess indebtedness—Authority to contract.** Every city and town may, with a vote of the people, contract indebtedness or borrow money for strictly municipal purposes on the credit of the city or town and issue negotiable bonds therefor in an amount which when added to its existing indebtedness will exceed the amount of indebtedness authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters but will not exceed the amount of indebtedness authorized by chapter

39.36 RCW, as now or hereafter amended, to be incurred with the assent of the voters. The amount of the indebtedness desired to be created or the amount of the money desired to be borrowed shall be stated in an ordinance passed by the council and referred to the voters of the city or town for their ratification or rejection at a special election of which fifteen days notice shall be given in the newspaper which is doing the city or town printing by publication in every issue of that paper during that period.

**35.37.060 Excess indebtedness—Election to authorize.** The election required to ratify or reject an ordinance authorizing the incurring of indebtedness or the borrowing of money on the credit of city or town shall be conducted consistent with the general election laws of the state.

If the question is that of creating an indebtedness other than that of borrowing money, the ballots shall contain in substance:

“Shall the city (or town) of \_\_\_\_\_ for (here state purpose) incur an indebtedness of \$ \_\_\_\_\_?”

**YES** .....   
**NO** .....

If the question is that of borrowing money and issuing negotiable bonds therefor, the ballots shall contain in substance:

“Shall the city (or town) of \_\_\_\_\_ for municipal purposes borrow \$ \_\_\_\_\_ and issue its negotiable bonds therefor?”

**YES** .....   
**NO** .....

The elector shall prepare his ballot by placing a cross (X) in the square opposite the word “Yes” or in the square opposite the word “No.”

The polls shall open and close at the hours fixed by statute for general state, county or municipal elections, any provisions in the city charter to the contrary notwithstanding.

**35.37.070 General indebtedness bonds—Issuance.** If three-fifths of the ballots cast upon the question favor it, the council must incur the indebtedness or borrow the money and issue the bonds authorized by the election. No portion of the money so authorized to be borrowed shall ever be used for other than strictly municipal purposes.

**35.37.080 General indebtedness bonds — Form — Terms—Signatures.** All general indebtedness bonds whether or not their issuance is required to be authorized by a vote of the people shall be issued in denominations of not less than one hundred dollars nor more than one thousand dollars; shall be numbered from one up, consecu-

tively; shall bear the date of their issue; shall be payable not more than twenty years from date, and shall bear interest not exceeding six percent per annum, payable semiannually, with interest coupons attached and payable both as to principal and interest at such place as may be designated in the bonds.

**35.37.090 General indebtedness bonds—Preparation and printing.** All general indebtedness bonds and coupons shall be printed, engraved, or lithographed on good bond paper, signed by the mayor and attested by the clerk under the seal of the city or town.

**35.37.100 General indebtedness bonds—Sale—Registration.** General indebtedness bonds shall be sold in the manner the city or town authorities deem for the best interest of the city or town. The city or town treasurer shall keep a register of all bonds showing the number, date, amount, interest, name of payee, and when and where payable of every bond executed, issued and sold under this chapter.

**35.37.110 General indebtedness bonds—Taxation to pay.** So long as any general indebtedness bonds are outstanding an amount sufficient to pay the interest upon them as it accrues shall be included in each annual levy for municipal purposes and a sufficient amount shall be included in each annual levy for payment of principal so that all bonds may be paid serially as they mature.

**35.37.120 General indebtedness bonds—Taxation—Failure to levy—Remedy.** If the council of any city or town which has issued general indebtedness bonds fails to make any levy necessary to pay the bonds and interest coupons at maturity, the owner of any bond or coupon which has been presented to the treasurer and payment thereof refused because of the failure to make a levy may file the bond together with all unpaid coupons with the county auditor, taking his receipt therefor.

The county auditor shall register bonds so filed in like manner and form as they were originally registered by the city or town treasurer of the city or town which issued them and the county commissioners at their next session at which they levy the annual county tax shall add to the city's or town's levy a sum sufficient to realize the amount of principal and interest past due and to become due prior to the next annual levy to be collected and held by the county treasurer and paid out only upon warrants drawn by the county auditor as the payments mature in favor of the owner of the bond as shown by the auditor's register. Similar levies shall be made in each succeeding year until the bonds and coupons are fully satisfied.

This remedy is alternative and in addition to any other remedy which the owner of such a bond or coupon may have.

**Chapter 35.28****FISCAL—DEPOSITARIES**

**35.38.010 Cities of 75,000 or more inhabitants—Designation of depositaries.** The city treasurer in all cities having a population of seventy-five thousand or more inhabitants shall annually at the end of each fiscal year designate one or more banks in the city as depositary or depositaries of the moneys required to be kept by the treasurer, and such designation shall be subject to the approval of the mayor, and filed with the comptroller.

**35.38.020 Same—Contract as to interest—Surety bond or collateral.** Before any such designation shall become effectual and entitle the treasurer to make deposits in such bank or banks, the bank or banks so designated shall, within ten days after the same is filed with the comptroller, file with the city comptroller a contract with the city wherein the bank agrees to pay such rate of interest on the cash daily balance of all municipal funds kept by such treasurer in said bank, while acting as such depositary, as shall be fixed from time to time by the city finance committee; such payments to be made monthly to the city while said deposit continues in such depositary. The contract shall run to the city and be in such form as shall be approved by the mayor or corporation counsel.

Such bank shall also file with the comptroller of such city a surety bond or bonds to the city in the amount of the deposits of such city that may be carried in the designated bank, conditioned for the prompt payment thereof on checks duly drawn by the said treasurer; or in lieu thereof shall deposit with the comptroller any of the following enumerated securities, if there has been no default in the payment of principal or interest thereon, the aggregate market value of which shall at all times be not less than one hundred and ten percent of the amount of the funds deposited by said treasurer:

(1) Bonds, notes or other securities constituting the direct and general obligations of the United States or the bonds, notes or other securities constituting the direct and general obligation of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States;

(2) Direct and general obligation bonds and warrants of the state of Washington, or of any other state of the United States;

(3) Direct and general obligation bonds and warrants of any city, town, county, school district, port district or other political subdivision in the state of Washington, having the power to levy general taxes, which are payable from general ad valorem taxes;



(4) Bonds issued by public utility districts as authorized under the provisions of RCW 54.16.070 as now or hereafter amended;

(5) Bonds of any city of the state of Washington for the payment of which the entire revenues of the city's water system, power and light system, or both, less maintenance and operating costs, are irrevocably pledged, even though such bonds are not general obligations of such city: *Provided*, That said comptroller need not accept for deposit any collateral described in this subdivision if in his judgment it is not desirable so to do.

Such surety bonds or securities shall be in such form as shall be approved by the corporation counsel of the city and the sufficiency of such surety bonds or such securities shall be approved by the mayor and comptroller of the city. When such bonds have been duly approved and filed with the comptroller, he shall immediately certify to the city treasurer the amount of bonds or securities filed by such bank or banks, whereupon the city treasurer shall be authorized to make deposits in such bank.

In the event repayment of deposits in any such depository is insured by the Federal Deposit Insurance Corporation, or by any other corporation, agency or instrumentality organized and acting under and pursuant to the laws of the United States of America, the execution and filing of a bond with such treasurer shall be required only for so much of the designated maximum amount of deposits as such designated maximum amount exceeds the amount of such insurance, and if such depository elects to deposit securities only to the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.

**35.38.030 Cities and towns of less than 75,000 inhabitants—Designation of depositories.** Any city or town having a population of less than seventy-five thousand inhabitants shall, upon a majority vote of its governing body, instruct its city or town treasurer annually at the end of each fiscal year, or at such other times as may be deemed necessary by the treasurer, to designate one or more banks in the county wherein the city or town is located as depository or depositories of the moneys required to be kept by said treasurer: *Provided*, That where any bank has been designated as a depository hereunder such designation shall continue in force until revoked by a majority vote of the governing body of the city or town.

**35.38.040 Same—Bond or collateral—Contract as to interest.** Before any such designation shall entitle the treasurer to make deposits in such bank or banks, the bank or banks so designated shall, within ten days after the same is filed with the city or town clerk, file with the city or town clerk a surety bond to the city or town in the maximum amount of deposits designated by the treasurer to be

carried in the designated bank, conditioned for the prompt payment thereof on checks duly drawn by the treasurer, which surety bond shall be approved by the mayor and city or town clerk.

In lieu of a surety bond the bank or banks shall deposit with the city or town treasurer any of the following enumerated securities if there has been no default in the payment of principal or interest thereon, the aggregate market value of which shall at all times be not less than one hundred and ten percent of the amount of funds deposited by the treasurer:

(1) Bonds, notes or other securities constituting the direct and general obligations of the United States or the bonds, notes or other securities constituting the direct and general obligation of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States;

(2) Direct and general obligation bonds and warrants of the state of Washington;

(3) Direct and general obligation bonds and warrants of any city, town, county, school district, port district or other political subdivision in the state of Washington, having the power to levy general taxes, which are payable from general ad valorem taxes;

(4) Bonds issued by public utility districts as authorized under the provisions of RCW 54.16.070 as now or hereafter amended: *Provided*, That any surety bond or securities offered to qualify a bank as depository for the funds of any city or town shall not be considered sufficient unless the same are approved by the mayor and city or town clerk.

Such bank or banks shall also at the same time file with the city or town clerk a contract with the city or town wherein the bank agrees to pay such rate of interest on the average daily balances, where such balances exceed one thousand dollars, of all municipal funds kept by the treasurer in the bank while acting as such depository as shall be fixed from time to time by the city finance committee; such payments to be made monthly to the city or town while said deposits continue in such depository. The contract shall run to the city or town and be in such form as shall be approved by the treasurer, mayor and city or town attorney.

In the event repayment of deposits in any such depository is insured by the Federal Deposit Insurance Corporation, or by any other corporation, agency or instrumentality organized and acting under and pursuant to the laws of the United States, the execution and filing of a bond with the city or town treasurer shall be required only for so much of the designated maximum amount of deposits as such designated maximum amount exceeds the amount of such insurance, and if the depository elects to deposit securities in lieu of a bond, it shall be required to deposit securities only to

the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.

**35.38.050 Treasurer's official bond not affected.** The foregoing provisions of this chapter shall in no way affect the duty of a city or town treasurer to give bond to the city or town for the faithful performance of his duties in such amount as may be fixed by the city or town council or other governing body by ordinance.

**35.38.055 City official as officer, employee or stockholder of depository.** Whenever a bank is designated by the treasurer or governing body of a city or town in accordance with the provisions of this chapter, as a depository for funds to be kept by the treasurer of such city or town and such bank has filed and had approved a contract with such city or town and deposited a surety bond or bonds or securities as provided in this chapter, such contract shall not be invalid by reason of any official of the city being also an officer, employee, or stockholder of such bank.

**35.38.060 "Bank" includes trust company.** The word bank as used in the foregoing provisions of this chapter includes any trust company organized under the laws of this state and engaged in the banking business.

**35.38.070 Trustee for safekeeping of securities.** A depository for city or town funds having negotiable securities pledged by it to secure such funds, may by written notice require the city or town through its treasurer to designate a trust company or a bank exercising trust powers located within the state to act as trustee for the safekeeping of the securities so pledged; or it may elect, by giving written notice to the city or town treasurer, to designate a trust company or bank exercising trust powers located without the state which has a combined actual paid-up capital and surplus of not less than one million dollars to act as such trustee. In either case the identity of the trustee, the terms of the agreement between the trustee and the depository, and the character of the securities pledged shall all be subject to the approval of the mayor and controller or clerk.

**35.38.080 Procedure upon insolvency of depository.** In the event of the insolvency or closing of a depository bank, the trustee holding its securities pledged to secure a city's or town's funds shall deliver them upon demand to the treasurer of the city or town to which they are pledged. Prior to any default of the depository, the trustee shall, as the same mature and become payable, clip from all coupon bonds deposited with it, the interest coupons thereof and deliver them on demand to the depository.

**35.38.090 Bank as trustee of its own pledged securities.** No bank or trust company shall act as trustee for the keeping of its own securities pledged by it as a depository of public funds: *Provided*, That this shall not prohibit the city or town treasurer from keeping under his sole control in a safe deposit box in the vault of a bank or trust company securities pledged by such bank or trust company as a depository of public funds.

**35.38.100 Compensation of trustee.** The charges or compensation of a trustee for keeping securities pledged to a city or town by a depository shall be a charge against and shall be paid by the depository and shall not be charged to the city or town to which they are pledged, nor its treasurer, nor shall they be a lien upon the securities in its custody.

**35.38.110 Trustee's receipt.** A receipt for the securities pledged by a depository of city or town funds describing the securities held and the purpose, terms and conditions of such holding shall be issued by the trustee in duplicate, one of which shall be delivered to the treasurer of the city or town to which they are pledged and one to the depository by whom they are pledged. The receipt shall be prima facie evidence of the facts therein stated and accepted as such by all public officers.

### Chapter 35.39

#### FISCAL—FINANCE COMMITTEE—INVESTMENT OF FUNDS

**35.39.010 City finance committee—Cities over 75,000.** In cities having a population of seventy-five thousand or more inhabitants the president of the city council (the mayor in cities having the commission form of government) the city treasurer, and the city comptroller (or controller or auditor) ex officio, shall constitute the city finance committee. The city treasurer shall act as chairman of the committee and the city comptroller as secretary thereof, and the office of the committee shall be in the office of the city comptroller.

The committee shall keep a complete record of its proceedings in appropriate books of record. All records and all correspondence relating to the committee shall be kept in the office of the city comptroller and shall be open to public inspection. The committee shall make appropriate rules and regulations not inconsistent with law.

**35.39.020 City finance committee—Cities and towns under 75,000.** In cities and towns having a population of less than seventy-five thousand inhabitants the mayor, the city or town treasurer and one member of the city or town council or commission shall

constitute the city finance committee. The council or commission member shall be appointed by the council or commission and shall remain a member of the city finance committee at the pleasure of the council or commission. The mayor shall act as chairman of the committee and the city or town treasurer as secretary thereof and the office of the committee shall be in the office of the city or town treasurer.

The committee shall keep a complete record of its proceedings in appropriate books of record. All records and all correspondence relating to the committee shall be kept in the office of the treasurer and shall be open to public inspection. The committee shall make appropriate rules and regulations not inconsistent with law.

**35.39.030 Excess and inactive funds—Investment.** Every city and town may invest any portion of the moneys in its inactive funds or in other funds in excess of current needs in:

- (1) United States bonds;
- (2) United States certificates of indebtedness;
- (3) Bonds or warrants of this state;
- (4) General obligation or utility revenue bonds or warrants of its own or of any other city or town in the state;
- (5) Its own bonds or warrants of a local improvement or condemnation award district which is within the protection of the local improvement guaranty fund law.

No investment shall be made without the approval of the city finance committee and of the legislative authority of the city or town expressed by resolution.

Any of such securities may be converted into cash at any time upon like approval.

**35.39.040 Investment of pension funds.** Any city or town now or hereafter operating an employees' pension system, established and operated pursuant to state statute or charter provision, or any pension system operating now or hereafter under state statute or charter provision exclusively for employees of cities or towns, is hereby authorized to invest pension fund moneys in such securities of the United States, states, Dominion of Canada, public housing authorities, municipal corporations and other public bodies, as are designated by the laws of the state of Washington as lawful investments for the funds of mutual savings banks, and to invest not to exceed twenty-five percent of the system's total investments in the securities of any corporations or public utility bodies as are designated by the laws of this state as lawful investments for the funds of mutual savings banks: *Provided*, That not more than five percent of the system's total investments may be made in the securities of any one of such corporations or public utility bodies.

Subject to the limitations hereinafter contained, investment of pension funds may also be made in amounts not to exceed ten percent of the system's total investments in the shares of certain open-end investment companies: *Provided*, That not more than two percent of the system's total investments may be made in the shares of any one such open-end investment company. The total amount invested in any one company shall not exceed two percent of the assets of such company, and shall only be made in the shares of such companies as are registered as open-end companies under the federal investment company act of 1940, as from time to time amended. The company must be at least ten years old and have net assets of at least five million dollars. It must have outstanding no bonds, debentures, notes, or other evidences of indebtedness, or any stock having priority over the shares being purchased, either as to distribution of assets or payment of dividends. It must have paid dividends from investment income in each of the ten years next preceding purchase. The maximum selling commission on its shares, furthermore, may not exceed seven and one-half percent of the sum of the asset value plus such commission.

Investment of pension funds may also be made in the bonds of any municipal corporation or other public body of the state of Washington, and in any of the bonds or warrants, including local improvement bonds or warrants within the protection of the local improvement guaranty fund law issued by the city or town operating such pension system, or by any city or town which is a member of the system. Investment of pension funds shall be made by the pension board, board of trustees or other board charged with administering the affairs of the pension system.

**35.39.050 Construction.** RCW 35.39.030 and 35.39.040 shall be deemed cumulative and not exclusive and shall be additional to any other power or authority granted any city or town.

## Chapter 35.40

### FISCAL—VALIDATION AND FUNDING OF DEBTS

**35.40.010 Ratification and funding at same election.** At any election which may be held in any city or town in this state in accordance with the Constitution and laws thereof, for the purpose of voting upon the question of ratifying any indebtedness of such city or town, theretofore attempted to be incurred by such city or town, such city or town may submit to the voters thereof any proposition to fund such indebtedness so sought to be ratified, or any existing indebtedness of such city or town, or both. The proposition to ratify such indebtedness and the proposition to fund the same may be

submitted to the voters in such city or town by the corporate authorities thereof in the same or in separate ordinances, as may be required or permitted by law; but the proposition to fund shall be the subject of a distinct vote in favor of or against the same, separate from the vote upon the proposition to ratify, and separate from the vote upon a proposition to fund any part of such indebtedness as to which a proposition to ratify is not submitted.

**35.40.020 Effect of vote to fund validated indebtedness.** If at such election any such indebtedness so proposed to be ratified is validated in accordance with the requirements of the Constitution and statutes of this state, any vote cast at such election in accordance with the requirements of RCW 35.40.010, upon a proposition to fund such indebtedness so validated, by the issuing of bonds therefor, shall have the same effect as an assent to or dissent from the funding of such indebtedness, as if such indebtedness had been validated previously to the passage of the ordinance submitting such proposition to fund the same.

**35.40.030 Ratification and funding after consolidation or annexation.** If, in any case where any city or town in this state has been or may hereafter be formed by the consolidation of two or more cities or towns, or has annexed or may hereafter annex any new territory, an election shall be held, in accordance with the Constitution and laws of this state, for the purpose of submitting to the voters residing within the former corporate limits of either such former city or town, or of such city or town prior to such annexation, for ratification or disapproval, the attempted incurring on the part of such former city or town or of such city or town prior to such annexation by the corporate authorities thereof, of any indebtedness thereof, such consolidated or existing city or town may submit to all of the voters therein, at the same or a separate election, any proposition to fund such indebtedness so sought to be ratified or any part thereof or any existing indebtedness of such consolidated or existing city or town, or both. The proposition to ratify any such indebtedness so previously attempted to be incurred on the part of either such former city or town, or on the part of such city or town prior to such annexation, and the proposition to fund the same may be submitted, respectively, to the voters residing within the corporate limits of such former city or town or in such city or town prior to such annexation, and to all the voters in such consolidated city or town, respectively, in the same or in separate ordinances, as may be required or permitted by law; but the proposition to fund shall be the subject of a distinct vote in favor of or against the same, separate from the vote upon the proposition to

ratify, and separate from the vote upon a proposition to fund any part of such indebtedness as to which a proposition to ratify is not submitted.

**35.40.040 ————Effect of vote to fund validated indebtedness.**

If at any such election any such indebtedness so proposed to be ratified shall be validated in accordance with the requirements of the Constitution and laws of this state, any vote cast at the same or a separate election in accordance with the requirements of RCW 35.40.030, upon a proposition to fund such indebtedness so validated, by the issuing of bonds therefor, shall have the same effect as an assent to or dissent from the funding of such indebtedness, as if such indebtedness had been validated previously to the passage of the ordinance submitting such proposition to fund the same.

**35.40.050 ————Conduct of election.** Any alteration or division of any existing election precinct or precincts in such consolidated or existing city or town, and any segregation of the names of voters registered for the current year in the existing registration lists in such consolidated or existing city or town, and any new poll books of registration, and any further registration in such new poll books, which may be made for the purposes of any such election held to submit a question of ratification, as aforesaid, in accordance with any law authorizing such election to submit such question of ratification, shall so far as applicable govern the holding of the election herein authorized to submit a proposition or propositions to fund. The city council or other legislative body of such consolidated or existing city or town shall, in the ordinance providing for the election herein authorized, or in a separate ordinance or ordinances, appoint inspectors and judges of such election for the several precincts in said city or town, and prescribe the form of the ballot to be used at such election, and the mode of the voter's indicating thereon his vote for or against each proposition submitted. Said provisions shall be made in conformity with the existing registration and election laws of the state as nearly as may be, but the provisions hereof shall prevail over existing laws so far as may be necessary to effectuate the purposes of RCW 35.40.030 through 35.40.050; and the election herein authorized shall be conducted and the result thereof canvassed and declared in accordance with the general laws of the state as modified hereby and in accordance with said provisions to be made in pursuance hereof.



**Chapter 35.41****FISCAL—MUNICIPAL REVENUE BOND ACT**

**35.41.010 Special funds—Authorized—Composition.** The legislative body of any city or town, for the purpose of providing funds for defraying all or a portion of the costs of planning, purchase, leasing, condemnation, or other acquisition, construction, reconstruction, development, improvement, extension, repair, maintenance, or operation of any municipally owned public land, building, facility, or utility, for which the municipality now has or hereafter is granted authority to acquire, condemn, develop, repair, maintain, or operate, for which the city receives revenue or for which such municipality charges a fee, may authorize, by ordinance, the creation of a special fund or funds into which the city or town shall be obligated to set aside and pay:

- (1) A fixed proportion of the gross revenues of the facility or utility, or
- (2) A fixed amount out of, and not to exceed, a fixed proportion of the gross revenues thereof, or
- (3) A fixed amount without regard to any fixed proportion of such revenues, or
- (4) An amount sufficient to meet principal and interest requirements and to accumulate any reserves and additional funds that may be required.

**35.41.030 Revenue bonds authorized—Form, term, etc.** If the legislative body of a city or town deems it advisable to purchase, lease, condemn, or otherwise acquire, construct, develop, improve, extend, or operate any land, building, facility, or utility, and adopts an ordinance authorizing such purchase, lease, condemnation, acquisition, construction, development, improvement and to provide funds for defraying all or a portion of the cost thereof from the proceeds of the sale of revenue bonds, and such ordinance has been ratified by the voters of the city or town in those instances where the original acquisition, construction, or development of such facility or utility is required to be ratified by the voters, such city or town may issue revenue bonds against the special fund or funds created solely from revenues. The revenue bonds so issued shall:

- (1) Be registered or coupon bonds;
- (2) Be issued in denominations of not less than one hundred dollars nor more than one thousand dollars;
- (3) Be numbered from one upwards consecutively;
- (4) Bear the date of their issue;
- (5) Be serial or term bonds and the final maturity thereof shall

not extend beyond the reasonable life expectancy of the facility or utility;

(6) Bear interest not exceeding the rate of six percent per annum, payable annually or semiannually with interest coupons attached unless such bonds are registered as to interest, in which case no interest coupons need be attached;

(7) Be payable as to principal and interest at such place as may be designated therein;

(8) State upon their face that they are payable from a special fund, naming it, and the ordinance creating it, and that they do not constitute a general indebtedness of the city or town;

(9) Be signed by the mayor and bear the seal of the city or town and be attested by the clerk: *Provided*, That the facsimile signatures of the mayor and clerk may be used when the ordinance authorizing the issuance of such bonds provides for the signatures thereof by an authenticating officer; and

(10) Be printed upon good bond paper.

**35.41.040 Coupons.** The signatures of the mayor and clerk may be printed upon the coupons or may be lithographic facsimiles of their signatures. The coupons need not bear the seal of the city or town.

**35.41.050 Revenue warrants.** Revenue warrants may be issued and such warrants and interest thereon may be payable out of the special fund or refunded through the proceeds of the sale of revenue bonds. Every revenue warrant and the interest thereon issued against the special fund shall be a valid claim of the holder thereof only as against that fund and the amount of revenue pledged to the fund, and shall not constitute an indebtedness of the city or town. Every revenue warrant shall state on its face that it is payable from a special fund, naming it and the ordinance creating it.

**35.41.060 Sale of revenue bonds and warrants—Contract provisions.** Revenue bonds and warrants may be sold by negotiation or by public or private sale in any manner and for any price the legislative body of any city or town deems to be for the best interest of the city or town. Such legislative body may provide in any contract, for the construction or acquisition of the proposed facility or utility or the maintenance and operation thereof, and that payment therefor shall be made only in revenue bonds and/or warrants at their par value.

**35.41.070 Suit to compel city to pay amount into special fund.** If a city or town fails to set aside and pay into the special fund created for the payment of revenue bonds and warrants the amount which it has obligated itself in the ordinance creating the fund to

set aside and pay therein, the holder of any bond or warrant issued against the bond may bring suit against the city or town to compel it to do so.

**35.41.080 Rates and charges for services, use or benefits.** The legislative body of any city or town may provide by ordinance for revenues by fixing rates and charges for the furnishing of service, use, or benefits to those to whom service, use, or benefits from such facility or utility is available, which rates and charges shall be uniform for the same class of service. And, if revenue bonds or warrants are issued against the revenues thereof, the legislative body of the city or town shall fix charges at rates which will be sufficient to provide for the payment of bonds and warrants, principal and interest, sinking fund requirements and expenses incidental to the issuance of such revenue bonds or warrants; in fixing such charges the legislative body of the city or town may establish rates sufficient to pay, in addition, the costs of operating and maintaining such facility or utility.

**35.41.090 ————Costs, expenses, interest may be included.** In setting the rates to be charged for the service, use, or benefits derived from such facility or utility, or in determining the cost of the planning, acquisition, construction, reconstruction, development, improvement, extension, repair, maintenance, or operation thereof the legislative body of the city or town may include all costs and estimated costs of the issuance of said bonds, all engineering, inspection, fiscal and legal expense and interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed, or which it is estimated will be borrowed in connection therewith.

**35.41.100 Chapter is alternative and additional method.** The authority granted by this chapter shall be considered an alternative and additional method of issuing revenue bonds or warrants by cities and towns and no restriction, limitation, or regulation relative to the issuance of such bonds contained in any other law shall apply to the bonds issued hereunder.

**35.41.900 Short title.** This chapter shall be known as "the municipal revenue bond act."

**Chapter 35.42****LEASES****LEASING OF SPACE WITH OPTION TO PURCHASE—  
1959 ACT**

**35.42.010 Purpose.** It is the purpose of RCW 35.42.010 through 35.42.090 to supplement existing law for the leasing of space by cities and towns to provide for the leasing of such space through leases with an option to purchase and the acquisition of buildings erected upon land owned by a city or town upon the expiration of a lease of such land.

**35.42.020 Building defined.** The term "building" as used in RCW 35.42.010 through 35.42.090 shall be construed to mean any building or buildings used as a part of, or in connection with, the operation of a city or town, and shall include the site and appurtenances, including but not limited to, heating facilities, water supply, sewage disposal, landscaping, walks, and drives.

**35.42.030 Authority to lease.** Any city or town may, as lessee, lease a building for its use for a term of not to exceed fifty years.

**35.42.040 Renewals—Option to purchase.** A lease of a building executed pursuant to RCW 35.42.010 through 35.42.090 may grant the lessee city or town an option to renew for a further term on like conditions, or an option to purchase the building covered by the lease at any time prior to the expiration of the term. A lease with an option to purchase shall provide that all sums paid as rent up to the time of exercising the option shall be credited toward the payment of the purchase price as of the date of payment. No lease shall provide, nor be construed to provide, that any city or town shall be under any obligation to purchase the leased building.

**35.42.050 Provisions to pay taxes, insurance, make repairs, improvements, etc.** A lease of a building may provide that as a part of the rental, the lessee city or town may pay taxes and assessments on the leased building, maintain insurance thereon for the benefit of the lessor, and assume responsibilities for repair, replacement, alterations, and improvements during the term of the lease.

**35.42.060 Execution of lease prior to construction—Lessor's bond—City not obligated for construction costs.** A city or town may, in anticipation of the acquisition of a site and the construction of a building, execute a lease, as lessee, prior to the actual acquisition of a site and the construction of a building, but the lease shall not require payment of rental by the lessee until the building is ready

for occupancy. The lessor shall furnish a bond satisfactory to the lessee conditioned on the delivery of possession of the completed building to the lessee city or town at the time prescribed in the lease, unavoidable delay excepted. The lease shall provide that no part of the cost of construction of the building shall ever become an obligation of the lessee city or town.

**35.42.070 Lease of city land for building purposes and lease back of building by city.** Any city or town desiring to have a building for its use erected on land owned, or to be acquired, by it, may, as lessor, lease the land for a reasonable rental for a term of not to exceed fifty years: *Provided*, That the city or town shall lease back the building or a portion thereof for the same term. The leases shall contain terms as agreed upon between the parties, and shall include the following provisions:

(1) No part of the cost of construction of the building shall ever be or become an obligation of the city or town.

(2) The city or town shall have a prior right to occupy any or all of the building upon payment of rental as agreed upon by the parties, which rental shall not exceed prevailing rates for comparable space.

(3) During any time that all or any portion of the building is not required for occupancy by the city or town, the lessee of the land may rent the unneeded portion to suitable tenants approved by the city or town.

(4) Upon the expiration of the lease, all buildings and improvements on the land shall become the property of the city or town.

**35.42.080 ————Bids.** A lease and lease back agreement requiring a lessee to build on city or town property shall be made pursuant to a call for bids upon terms most advantageous to the city or town. The call for bids shall be given by posting notice thereof in a public place in the city or town and by publication in the official newspaper of the city or town once each week for two consecutive weeks before the date fixed for opening the bids. If there is no official newspaper, the notice shall be published in a newspaper of general circulation in the city or town. The city council or commission of the city or town may by resolution reject all bids and make further calls for bids in the same manner as the original call. If no bid is received on the first call, the city council or commission may readvertise and make a second call, or may execute a lease without any further call for bids.

**35.42.090 Leases exempted from certain taxes.** All leases executed pursuant to RCW 35.42.010 through 35.42.090 shall be exempt from the tax imposed by chapter 19, Laws of 1951 second extraordinary session, as amended, and chapter 28.45; section 5, chapter

389, Laws of 1955, and RCW 82.04.040; and section 9, chapter 178, Laws of 1941, and RCW 82.08.090, and by rules and regulations of the tax commission issued pursuant thereto.

**LEASES OF REAL OR PERSONAL PROPERTY OR PROPERTY RIGHTS WITH OR WITHOUT OPTION TO PURCHASE—  
1963 ACT**

**35.42.200 Leases authorized.** Any city or town may execute leases for a period of years with or without an option to purchase with the state or any of its political subdivisions, with the government of the United States, or with any private party for the lease of any real or personal property, or property rights, if the annual rental specified in such lease does not result in a total indebtedness in excess of one and one-half percent of the taxable property of such city or town computed in accordance with RCW 39.36.030: *Provided*, That if the annual rental payment specified in such a proposed lease would result in a total indebtedness in excess of one and one-half percent of the taxable property of such city or town, a proposition in regard to whether or not such a lease may be executed shall be submitted to the voters for their approval or rejection in the same manner that bond issues for capital purposes are submitted: *Provided further*, That any city or town may execute leases authorized by this act jointly with the state or any of its political subdivisions.

**35.42.210 Exercise of option to purchase.** If at the time an option to purchase is exercised the remaining amount to be paid in order to purchase the real or personal property leased after crediting the rental payments toward the total purchase price therefor does not result in a total indebtedness in excess of one and one-half percent of the taxable property of such city or town computed in accordance with RCW 39.36.030, such a city or town may exercise its option to purchase such property. If such remaining amount to be paid to purchase such leased property will result in a total indebtedness in excess of one and one-half percent of the taxable property of such city or town, a proposition in regard to whether or not to purchase the property shall be submitted to the voters for approval or rejection in the same manner that bond issues for capital purposes are submitted to the voters.

**35.42.220 Budgeting rental payments—Bids—Construction of agreement where rental equals purchase price.** The annual budget of a city shall provide for the payment of rental that falls due in the year for which the budget is applicable: *Provided*, That if the cost of the real or personal property to be leased exceeds the

amounts specified in RCW 35.23.352 prior to the execution of a lease with option to purchase therefor, the city or town shall call for bids in accordance with RCW 35.23.352: *Provided*, That if at the expiration of a lease with option to purchase a city or town exercises such an option, the fact that the rental payments theretofore made equal the amount of the purchase price of the real or personal property involved in such lease shall not preclude the agreement from being a lease with option to purchase up to the date of the exercising of the option.

### Chapter 35.43

#### LOCAL IMPROVEMENTS—AUTHORITY—INITIATION OF PROCEEDINGS

**35.43.010 Terms defined.** Whenever the words "city council" or "town council" are used in this and the following chapters relating to municipal local improvements, they shall be construed to mean the council or other legislative body of such city or town. Whenever the word "mayor" is used therein, it shall be construed to mean the presiding officer of said city or town. Whenever the words "installment" or "installments" are used therein, they shall be construed to include installment or installments of interest.

**35.43.020 Construction.** The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this and the following chapters relating to municipal local improvements but the same shall be liberally construed for the purpose of carrying out the objects for which intended.

**35.43.030 Charters superseded—Application—Ordinances—Districts outside city authorized.** This and the following chapters relating to municipal local improvements shall supersede the provisions of the charter of any city of the first class inconsistent herewith.

They shall apply to all incorporated cities and towns, including unclassified cities and towns operating under special charters.

The council of each city and town shall pass such general ordinance or ordinances as may be necessary to carry out their provisions and thereafter all proceedings relating to local improvements shall be conducted in accordance with this and the following chapters relating to municipal local improvements and the ordinance or ordinances of such city or town.

Cities or towns may form local improvement districts composed entirely or in part of unincorporated territory adjacent to such city or town's corporate limits in the manner provided in this chapter.

**35.43.040 Authority generally.** Whenever the public interest or convenience may require, the legislative authority of any city or town may order the whole or any part of any local improvement including but not restricted to those listed below to be constructed, reconstructed, repaired, or renewed and the planting, setting out, cultivating, maintaining, and renewing of shade or ornamental trees and shrubbery thereon; may order any and all work to be done necessary for completion thereof; and may levy and collect special assessments on property specially benefited thereby to pay the whole or any part of the expense thereof, viz:

(1) Alleys, avenues, boulevards, lanes, park drives, parkways, public places, public squares, public streets, their grading, regrading, planking, replanking, paving, repaving, macadamizing, remacadamizing, graveling, regravelling, piling, repiling, capping, recapping, or other improvement; if the management and control of park drives, parkways, and boulevards is vested in a board of park commissioners, the plans and specifications for their improvement must be approved by the board of park commissioners before their adoption;

(2) Auxiliary water systems;

(3) Auditoriums, field houses, gymnasiums, swimming pools, or other recreational or playground facilities or structures;

(4) Bridges, culverts, and trestles and approaches thereto;

(5) Bulkheads and retaining walls;

(6) Dikes and embankments;

(7) Drains, sewers and sewer appurtenances which as to trunk sewers shall include as nearly as possible all the territory which can be drained through the trunk sewer and subsewers connected thereto. In distributing assessments in the case of trunk sewers there shall be levied against the property lying between the termini of the improvement and back to the middle of the blocks along the marginal lines of the area improved such amounts as would represent the reasonable cost of a local sewer and its appurtenances suited to the requirements of the property, and the remainder of the cost and expense of the improvement shall be distributed over and assessed against all of the property within the boundaries of the district: *Provided*, That if it is necessary to construct any such sewer in an easement across private property as a part of a sewer system improvement the authority to assess for special benefits conferred by the improvement shall be the same as if such sewer were constructed in a public street;

(8) Escalators or moving sidewalks together with the expense of operation and maintenance;

(9) Parks and playgrounds;

(10) Sidewalks, curbing, and crosswalks;



(11) Street lighting systems together with the expense of furnishing electrical energy, maintenance, and operation;

(12) Underground utilities transmission lines;

(13) Water mains, hydrants and appurtenances which as to trunk water mains shall include as nearly as possible all the territory in the zone or district to which water may be distributed from the trunk water mains through lateral service and distribution mains and services. In distributing assessments in the case of trunk water mains there shall be levied against the property lying between the termini of the improvement and back to the middle of the block along the marginal lines of the area improved, such amounts as would represent the reasonable cost of a local water main and appurtenances suited to the requirements of the property, and the remainder of the cost and expense of the improvement shall be distributed over and assessed against all of the property within the boundaries of the district: *Provided*, That if it is necessary to construct any such water main in an easement across private property as a part of a water main system improvement the authority to assess for special benefits conferred by the improvement shall be the same as if such water main were constructed in a public street;

(14) Fences, culverts, syphons, or coverings or any other feasible safeguards along, in place of, or over open canals or ditches to protect the public from the hazards thereof. In distributing assessments in the case of any improvements within this subsection there shall be levied against all property lying within the improvement district such amounts as are required to pay all costs of the improvement, and it is presumed that all residential property and all land occupied by apartment buildings, trailer parks, and every other structure where persons regularly or from time to time or temporarily reside, and all property in public ownership devoted to the public use, and all places where children congregate for any purpose, and all state granted school land, and federal land subject to such conditions as congress may prescribe, lying within the local improvement is specially benefited by the removal of open canal hazards and subject to assessment therefor: *Provided*, That this shall not prevent other and different land from being included and subject to assessment.

**35.43.045 Open canals or ditches—Safeguards.** Every city or town shall have the right of entry upon all irrigation, drainage, or flood control canal or ditch rights of way within its limits for all purposes necessary to safeguard the public from the hazards of such open canals or ditches, and the right to cause to be constructed, installed, and maintained upon or adjacent to such rights of way safeguards as provided in RCW 35.43.040: *Provided*, That

such safeguards must not unreasonably interfere with maintenance of the canal or ditch or with the operation thereof. The city or town, at its option, notwithstanding any laws to the contrary, may require the irrigation, drainage, flood control, or other district, agency, person, corporation, or association maintaining the canal or ditch to supervise the installation and construction of such safeguards, or to maintain the same. If such option is exercised reimbursement must be made by the city or town for all actual costs thereof.

**35.43.050 Authority—Noncontinuous improvements.** A local improvement district may include adjoining, vicinal or neighboring streets, avenues and alleys even though the improvement thus made is not connected or continuous: *Provided*, That the cost and expense of each continuous unit of the improvement shall be ascertained separately, as near as may be, and the assessment rates shall be computed on the basis of the cost and expense of each unit. In the event of the initiation of a local improvement district authorized by this section, the legislative body may, in its discretion, eliminate from said district any unit of the improvement which is not connected or continuous and may proceed with the balance of the improvement within said local improvement district, as fully and completely as though said eliminated unit had not been included within the improvement district, without the giving of any notices to the property owners remaining within the district, other than such notices as are required by the provisions of this chapter to be given subsequent to such elimination.

**35.43.060 Consolidated cities—Procedure.** The city council of any city which is composed of two or more cities or towns which have been or may hereafter be consolidated may make and pass all resolutions, orders and ordinances necessary for any assessment where the improvement was made or was being made by a component city or town prior to consolidation.

**35.43.070 Ordinance—Action on petition or resolution.** A local improvement may be ordered only by an ordinance of the city or town council, pursuant to either a resolution or petition therefor. The ordinance must receive the affirmative vote of at least a majority of the members of the council.

Charters of cities of the first class may prescribe further limitations. In cities and towns other than cities of the first class, the ordinance must receive the affirmative vote of at least two-thirds of the members of the council if, prior to its passage, written objections to its enactment are filed with the city clerk by or on behalf of the owners of a majority of the lineal frontage of the improve-

ment and of the area within the limits of the proposed improvement district.

**35.43.075 Petition for district outside city may be denied.** Whenever the formation of a local improvement district which lies entirely or in part outside of a city or town's corporate limits is initiated by petition the legislative authority of the city or town may by a majority vote deny the petition and refuse to form the local improvement district.

**35.43.080 Ordinance—Creation of district.** Every ordinance ordering a local improvement to be paid in whole or in part by assessments against the property specially benefited shall establish a local improvement district to be known as "local improvement district No. ....," which shall embrace as nearly as practicable all the property specially benefited by the improvement.

Unless otherwise provided in the ordinance ordering the improvement, the improvement district shall include all the property between the termini of the improvement abutting upon, adjacent, vicinal, or proximate to the street, avenue, lane, alley, boulevard, park drive, parkway, public place or square proposed to be improved to a distance of ninety feet back from the marginal lines thereof or to the center line of the blocks facing or abutting thereon, whichever is greater (in the case of unplatted property, the distance back shall be the same as in the platted property immediately adjacent thereto): *Provided*, That if the local improvement is such that the special benefits resulting therefrom extend beyond the boundaries as above set forth, the council may create an enlarged district to include as nearly as practicable all the property to be specially benefited by the improvement; the petition or resolution for an enlarged district and all proceedings pursuant thereto shall conform as nearly as practicable to the provisions relating to local improvement districts generally except that the petition or resolution must describe it as an enlarged district and state what proportion of the amount to be charged to the property specially benefited shall be charged to the property lying between the termini of the proposed improvement and extending back from the marginal lines thereof to the middle of the block (or ninety feet back) on each side thereof, and what proportion thereof to the remainder of the enlarged district: *Provided further*, That whenever the nature of the improvement is such that the special benefits conferred on the property are not fairly reflected by the use of the aforesaid termini and zone method, the ordinance ordering the improvement may provide that the assessment shall be made against the property of the district in accordance with the special benefits it will derive from the improvement without regard to the zone and termini method.

**35.43.090 Ordinance—Creation of district—Special cases.** Any ordinance ordering the construction of trunk sewers, of trunk water mains, of dikes or other structures to protect the city or any part thereof from overflow, or to open, deepen, straighten, or enlarge watercourses, waterways, and other channels, and of auxiliary water systems or extensions thereof or additions thereto for the protection of the city or any part thereof from fire, shall describe the place of commencement and ending of the improvement, the route along which the improvement is to be constructed, specify the structures or works necessary thereto or forming a part thereof, and adopt maps, plans and specifications for the improvement.

**35.43.100 Ordinance—Finality.** The council may continue the hearing upon any petition or resolution provided for in this chapter and shall retain jurisdiction thereof until it is finally disposed of. The action and decision of the council as to all matters passed upon by it in relation to any petition or resolution shall be final and conclusive.

**35.43.110 Petition—Mandatory, when.** Proceedings to establish local improvement districts must be initiated by petition in the following cases:

(1) Any local improvement payable in whole or in part by special assessments which includes a charge for the cost and expense of furnishing electrical energy to any system of street lighting or for the cost and expense of operation and maintenance of escalators or moving sidewalks shall be initiated only upon a petition signed by the owners of two-thirds of the lineal frontage upon the improvement to be made and two-thirds of the area within the limits of the proposed improvement district;

(2) If the management of park drives, parkways, and boulevards of a city has been vested in a board of park commissioners or similar authority: *Provided*, That the proceedings may be initiated by a resolution, if the ordinance is passed at the request of the park board or similar authority therefor specifying the particular drives, parkways, or boulevards or portions thereof to be improved and the nature of the improvement.

**35.43.120 Petition—Requirements.** Any local improvement, the assessment district for which does not extend beyond the termini of the improvement may be initiated upon a petition signed by the owners of property aggregating a majority (1) of the lineal frontage upon the improvement and (2) of the area within the proposed district. The petition must set forth the nature and territorial extent of the proposed improvement, the mode of payment, and what proportion of the lineal frontage upon the improvement and of the area within the proposed district is owned by the

petitioners as shown by the records in the office of the county auditor.

If any of the property within the area of the proposed district stands in the name of a deceased person, or of any person for whom a guardian has been appointed and not discharged, the signature of the executor, administrator, or guardian, as the case may be, shall be equivalent to the signature of the owner of the property on the petition. The petition must be filed with the clerk or with such other officer as the city or town by charter or ordinance may require.

**35.43.130 Preliminary estimates and assessment roll.** Upon the filing of a petition or upon the adoption of a resolution, as the case may be, initiating a proceeding for the formation of a local improvement district, the proper board, officer, or authority designated by charter or ordinance to make the preliminary estimates and assessment roll shall cause an estimate to be made of the cost and expense of the proposed improvement and certify it to the legislative authority of the city or town together with all papers and information in its possession touching the proposed improvement, a description of the boundaries of the district, a statement of what portion of the cost and expense of the improvement should be borne by the property within the proposed district, a statement in detail of the local improvement assessments outstanding and unpaid against the property in the proposed district, and a statement of the aggregate actual valuation of the real estate including twenty-five percent of the actual valuation of the improvements in the proposed district according to the valuation last placed upon it for the purposes of general taxation.

If the proceedings were initiated by petition the designated board, officer or authority shall also determine the sufficiency of the petition and whether the facts set forth therein are true. If the petition is found to be sufficient and in all proceedings initiated by resolution of the legislative authority of the city or town, the estimates must be accompanied by a diagram showing thereon the lots, tracts, and parcels of land and other property which will be specially benefited by the proposed improvement and the estimated amount of the cost and expense thereof to be borne by each lot, tract, or parcel of land or other property: *Provided*, That no such diagram shall be required where such estimates are on file in the office of the city engineer, or other designated city office, together with a detailed copy of the preliminary assessment roll and the plans and assessment maps of the proposed improvement.

For the purpose of estimating and levying local improvement assessments, the value of property of the United States, of the

state, or of any county, city, town, school district, or other public corporation whose property is not assessed for general taxes shall be computed according to the standards afforded by similarly situated property which is assessed for general taxes.

**35.43.140 Resolutions — Contents, publication — Hearing, by whom held.** Any local improvement to be paid for in whole or in part by the levy and collection of assessments upon the property within the proposed improvement district may be initiated by a resolution of the city council or other legislative authority of the city, declaring its intention to order the improvement, setting forth the nature and territorial extent of the improvement and notifying all persons who may desire to object thereto to appear and present their objections at a time to be fixed therein.

In the case of trunk sewers and trunk water mains the resolution must describe the routes along which the trunk sewer, sub-sewer and branches of trunk water main and laterals are to be constructed.

In case of dikes or other structures to protect the city or town or any part thereof from overflow or to open, deepen, straighten, or enlarge watercourses, waterways and other channels the resolution must set forth the place of commencement and ending thereof and the route to be used.

In the case of auxiliary water systems, or extensions thereof or additions thereto for protection of the city or town or any part thereof from fire, the resolution must set forth the routes along which the auxiliary water system or extensions thereof or additions thereto are to be constructed and specifications of the structures or works necessary thereto or forming a part thereof.

The resolution shall be published in at least two consecutive issues of the official newspaper of the city or town, or if there is no official newspaper, in any legal newspaper of general circulation therein; the first publication to be at least fifteen days before the day fixed for the hearing.

The hearing herein required may be held before the city council, or other legislative authority, or before a committee thereof. If the hearing is before a committee, the committee shall follow the hearing report its recommendation on the resolution to the city council or other legislative authority for final action.

**35.43.150 Resolutions—Hearing upon—Notice.** Notice of the hearing upon a resolution declaring the intention of the legislative authority of a city or town to order an improvement shall be given by mail at least fifteen days before the day fixed for hearing to the owners or reputed owners of all lots, tracts, and parcels of land or other property to be specially benefited by the proposed

improvement, as shown on the rolls of the county treasurer, directed to the address thereon shown.

The notice shall set forth the nature of the proposed improvement, the estimated cost, and the estimated benefits of the particular lot, tract, or parcel.

**35.43.160 Restraints on authority—When initiated by petition.** No city or town shall proceed with a local improvement initiated by petition, if it appears from the preliminary estimates and assessment roll that the amount of the estimated cost and expense thereon, which is to be assessed against the property in the proposed district, when added to all other outstanding local improvement assessments against the property in the proposed district (excluding penalties and interest and excluding assessments for diking, drainage, sanitary fill or for filling any street to the established grade over any tideflats or tidelands or for storm or for sanitary sewer or water mains) exceeds the aggregate actual valuation of the real estate (including twenty-five percent of the actual valuation of the improvements thereon), within the district according to the valuation last placed upon it for the purposes of general taxation, unless the property owners or someone in their behalf, deposits with the city or town, a sum of money equal to the amount by which the estimated cost of the improvement exceeds the limit herein fixed: *Provided*, That the limitation of assessment herein fixed shall not apply to the improvement of a particular disconnected unit included in a local improvement district as permitted by RCW 35.43.050, but shall pertain only to the local improvement district as a whole.

**35.43.170 Restraints on authority—When initiated by resolution.** 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, 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 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.

**35.43.180 Restraint by protest.** 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 property 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 where the health officer of any city or town shall file with the legislative authority thereof a report showing the necessity for such improvement 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.

**35.43.190 Work—By contract or by city.** All local improvements, the funds for the making of which are derived in whole or in part from assessments upon property specially benefited shall be made either by the city or town itself or by contract on competitive bids. The city or town may reject any and all bids. The board, officer, or authority charged with the duty of letting contracts for local improvements shall determine whether the local improvements shall be done by contract or by the city or town itself.

**35.43.200 Street railways at expense of property benefited.** Any city or town in this state owning and operating a municipal street railway over one hundred miles of track shall have power to provide for purchasing, or otherwise acquiring, or constructing and equipping surface, subway and elevated street railways and extensions thereof, and to levy and collect special assessments on property specially benefited thereby, for paying the cost and expense of the same or any portion thereof, as hereinafter provided.

**35.43.210 ————Petition—Assessment district.** Any improvement district created under RCW 35.43.200-35.43.230 shall be created only by ordinance defining its boundaries as specified and described in the petition therefor and specifying the plan or system



therein provided for; and shall be initiated only upon a petition therefor, specifying and describing the boundaries of such district and specifying the plan or system of proposed improvement, signed by the owners of at least sixty percent of the lineal frontage upon the proposed improvement and of at least fifty percent of the area within the limits of the proposed improvement district: *Provided*, That the city council may in its discretion reject any such petition.

**35.43.220** ————**Assessment of cost.** The cost and expense of any such improvement shall be distributed and assessed against all the property included in such local improvement district, in accordance with the special benefits conferred thereon.

**35.43.230** ————**Procedure.** Except as herein otherwise provided all matters and proceedings relating to such local improvement district, the levying and collecting of assessments, the issuance and redemption of local improvement warrants and bonds, and the enforcement of local assessment liens hereunder shall be governed by the laws relating to local improvements; and all matters and proceedings relating to the purchase, acquisition, or construction and equipment of the improvement and the operation of the same hereunder and the issuance and redemption of utility bonds and warrants, if any, and the use of general or utility funds, if any, in connection with the purchase, acquisition, construction, equipping, or operation of the improvement shall be governed by the laws relating to municipal public utilities.

## Chapter 35.44

### LOCAL IMPROVEMENTS—ASSESSMENTS AND REASSESSMENTS

**35.44.010 Assessment district—All property to be assessed—Basis.** All property included within the limits of a local improvement district shall be considered to be the property specially benefited by the local improvement and shall be the property to be assessed to pay the cost and expense thereof or such part thereof as may be chargeable against the property specially benefited. The cost and expense shall be assessed upon all the property in accordance with the special benefits conferred thereon in proportion to area and distance back from the marginal line of the public way or area improved.

**35.44.020 Assessment district—Cost items to be included.** There shall be included in the cost and expense of every local improvement for assessment against the property in the district created to pay the same, or any part thereof:

(1) The cost of the portion of the improvement within the street intersections;

(2) The estimated cost and expense of all engineering and surveying necessary for the improvement done under the supervision of the city or town engineer;

(3) The estimated cost and expense of ascertaining the ownership of the lots or parcels of land included in the assessment district;

(4) The estimated cost and expense of advertising, mailing, and publishing all necessary notices;

(5) The estimated cost and expense of accounting, clerical labor, and of books and blanks extended or used on the part of the city or town clerk and city or town treasurer in connection with the improvement;

(6) All cost of the acquisition of rights of way, property, easements or other facilities or rights, whether by eminent domain, purchase, gift, or in any other manner: *Provided*, That the costs enumerated in this subsection may be excluded from the cost and expense to be assessed against the property in such local improvement district if the legislative body of such city or town so designates by ordinance.

**35.44.030 Assessment district—Zones.** For the purpose of ascertaining the amount to be assessed against each separate lot, tract, parcel of land or other property therein, the local improvement district shall be divided into subdivisions or zones paralleling the margin of the street, avenue, lane, alley, boulevard, park drive, parkway, public place or public square to be improved, numbered respectively first, second, third, fourth, and fifth.

The first subdivision shall include all lands within the district lying between the street margins and lines drawn parallel therewith and thirty feet therefrom.

The second subdivision shall include all lands within the district lying between lines drawn parallel with and thirty and sixty feet respectively from the street margins.

The third subdivision shall include all lands within the district lying between lines drawn parallel with and sixty and ninety feet respectively from the street margins.

The fourth subdivision shall include all lands, if any, within the district lying between lines drawn parallel with and ninety and one hundred twenty feet respectively from the street margins.

The fifth subdivision shall include all lands, if any, within the district lying between a line drawn parallel with and one hundred twenty feet from the street margin and the outer limit of the improvement district.

**35.44.040 Assessment rate per square foot.** The rate of assessment per square foot in each subdivision of an improvement district shall be fixed on the basis that the special benefits conferred on a square foot of land in subdivisions first, second, third, fourth and fifth, respectively, are related to each other as are the numbers, forty-five, twenty-five, twenty, ten, and five, respectively, and shall be ascertained in the following manner:

(1) The products of the number of square feet in subdivisions first, second, third, fourth, and fifth, respectively, and the numbers forty-five, twenty-five, twenty, ten, and five, respectively, shall be ascertained;

(2) The aggregate sum thereof shall be divided into the total cost and expense of the improvement;

(3) The resultant quotient multiplied by forty-five, twenty-five, twenty, ten, and five, respectively, shall be the respective rate of assessment per square foot for subdivisions first, second, third, fourth and fifth: *Provided*, That in lieu of the above formula the rate of assessment per square foot in each subdivision of an improvement district may be fixed on the basis that the special benefits conferred on a square foot of land in subdivisions first, second, third, fourth and fifth, respectively, are related to each other as are the numbers 0.015000, 0.008333, 0.006666, 0.003333, and 0.001666, respectively; and the method of determining the assessment on each lot, tract, or parcel of land in the improvement district may be ascertained in the following manner:

(1) The products of the number of square feet in subdivisions first, second, third, fourth and fifth, respectively, for each lot, tract or parcel of land in the improvement district and the numbers 0.015000, 0.008333, 0.006666, 0.003333 and 0.001666, respectively, shall be ascertained. The sum of all such products for each such lot, tract or parcel of land shall be the number of "assessable units of frontage" therein;

(2) The rate for each assessable unit of frontage shall be determined by dividing that portion of the total cost of the improvement representing special benefits by the aggregate sum of all assessable units of frontage;

(3) The assessment for each lot, tract or parcel of land in the improvement district shall be the product of the assessable units of frontage therefor, multiplied by the rate per assessable unit of frontage.

**35.44.045 Open canals or ditches—Safeguards—Ascertaining assessments.** As an alternative to other methods of ascertaining assessments for local improvements, in a local improvement district established for safeguarding open canals or ditches, the district may be sectioned into subdivisions or zones paralleling the

canal or ditch, numbered respectively, first, second, third and fourth. Each subdivision shall be equal to one-quarter of the width of the district as measured back from the margin of the canal right of way. The rate of assessment per square foot in each subdivision so formed shall be fixed on the basis that the special benefits conferred on a square foot of land in subdivisions first, second, third, and fourth, respectively, are related to each other as are the numbers, forty, thirty, twenty, and ten, respectively, and shall be ascertained in the following manner:

(1) The products of the number of square feet in subdivisions first, second, third, and fourth, respectively, and the numbers forty, thirty, twenty, and ten, respectively, shall be ascertained;

(2) The aggregate sum thereof shall be divided into the total cost and expense of the local improvement;

(3) The resultant quotient multiplied by forty, thirty, twenty, and ten, respectively, shall be the respective rate of assessment per square foot for each subdivision.

**35.44.050 Assessment roll—Entry of assessments against property.** The total assessment thus ascertained against each separate lot, tract, parcel of land, or other property in the district shall be entered upon the assessment roll as the amount to be levied and assessed against each separate lot, tract, parcel of land, or other property.

**35.44.060 Assessment roll—Diagram on preliminary survey not conclusive.** The diagram or print directed to be submitted to the council shall be in the nature of a preliminary determination by the designated administrative board, officer, or authority upon the method and relative estimated amounts of assessments to be levied upon the property specially benefited by the improvement and shall not be binding or conclusive in any way upon the board, officer, or authority in the preparation of the assessment roll for the improvement or upon the council in any hearing affecting the assessment roll.

**35.44.070 Assessment roll—Filing—Hearing, date, by whom held.** The assessment roll for local improvements when prepared as provided by law shall be filed with the city or town clerk. The council or other legislative authority shall thereupon fix a date for a hearing thereon before such legislative authority or may direct that the hearing shall be held before a committee thereof. The committee designated shall hold a hearing on the assessment roll and consider all objections filed following which it shall report its recommendations to such legislative authority which shall either adopt or reject the recommendations of the committee. If a hearing is held before such a committee it shall not be necessary to

hold a hearing on the assessment roll before such legislative authority. The same procedure may if so directed by such legislative authority be followed with respect to any assessment upon the roll which is raised or changed to include omitted property. Such legislative authority shall direct the clerk to give notice of the hearing and of the time and place thereof.

**35.44.080 Assessment roll—Notice of hearing.** The notice of hearing upon the assessment roll shall specify the time and place of hearing and shall notify all persons who may desire to object thereto:

(1) To make their objections in writing and to file them with the city or town clerk at or prior to the date fixed for the hearing;

(2) That at the time and place fixed and at times to which the hearing may be adjourned, the council will sit as a board of equalization for the purpose of considering the roll; and

(3) That at the hearing the council will consider the objections made and will correct, revise, raise, lower, change, or modify the roll or any part thereof or set aside the roll and order the assessment to be made de novo, and at the conclusion thereof confirm the roll by ordinance.

**35.44.090 Assessment roll—Notice—Mailing—Publication.** At least fifteen days before the date fixed for hearing, notice thereof shall be mailed to the owner or reputed owner of the property whose name appears on the assessment roll, at the address shown on the tax rolls of the county treasurer for each item of property described on the list. In addition thereto the notice shall be published at least five times in a daily newspaper or at least two times in a weekly newspaper, the last publication to be at least fifteen days before the date fixed for hearing.

If the city or town has an official newspaper, the notice must be published therein; otherwise it may be published in any legal newspaper of general circulation in the city or town.

**35.44.100 Assessment roll—Hearing—Objections—Authority of council.** At the time fixed for hearing objections to the confirmation of the assessment roll, and at the times to which the hearing may be adjourned, the council may correct, revise, raise, lower, change, or modify the roll or any part thereof, or set aside the roll and order the assessment to be made de novo and at the conclusion thereof confirm the roll by ordinance.

**35.44.110 Assessment roll—Objections—Timeliness.** All objections to the confirmation of the assessment roll shall state clearly the grounds of objections. Objections not made within the time and in the manner prescribed in this chapter shall be conclusively presumed to have been waived.

**35.44.120 Assessment roll—Amendment—Procedure.** If an assessment roll is amended so as to raise any assessment appearing thereon or to include omitted property, a new time and place for hearing shall be fixed and a new notice of hearing on the roll given as in the case of an original hearing: *Provided*, That as to any property originally entered upon the roll the assessment upon which has not been raised, no objections to confirmation of the assessment roll shall be considered by the council or by any court on appeal unless the objections were made in writing at or prior to the date fixed for the original hearing upon the assessment roll.

**35.44.130 City property—Assessment.** Every city and town shall include in its annual tax levy an amount sufficient to pay all unpaid assessments with all interest, penalties, and charges thereon levied against all lands belonging to the city or town. The proceeds of such a portion of the tax levy shall be placed in a separate fund to be known as the "city (or town) property assessments redemption fund" and by the city or town treasurer inviolably applied in payment of any unpaid assessment liens on any lands belonging to the city or town.

**35.44.140 County property assessment.** All lands held or owned by any county in fee simple, in trust, or otherwise within the limits of a local improvement district in a city or town shall be assessed and charged for their proportion of the cost of the local improvement in the same manner as other property in the district and the county commissioners are authorized to cause the assessments to be paid at the times and in the manner provided by law and the ordinances of the city or town. This section shall apply to all cities and towns, any charter or ordinance provision to the contrary notwithstanding.

**35.44.150 Harbor area leaseholds—Assessment.** All leasehold rights and interest of private individuals, firms or corporations in or to harbor areas located within the limits of a city or town are declared to be real property for the purpose of assessment for the payment of the cost of local improvements. They may be assessed and reassessed in accordance with the special benefits received, which shall be limited to benefits accruing during the term of the lease, to the property subject to lease immediately abutting upon the improvement and extending one-half block therefrom not exceeding, however, three hundred fifty feet.

**35.44.160 Leases on tidelands—Assessment.** All leases of tidelands owned in fee by the state are declared to be real property for the purpose of assessment for the payment of the cost of local improvements.

**35.44.170 Metropolitan park district property—Assessment.** All lands held by a metropolitan park district in fee simple, in trust, or otherwise within the limits of a local improvement district in a city or town shall be assessed and charged for their proportion of the cost of all local improvements in the same manner as other property in the district.

**35.44.180 Notices—Mailing—Proof.** The mailing of any notice required in connection with municipal local improvements shall be conclusively proved by the written certificate of the officer, board, or authority directed by the provisions of the charter or ordinance of a city or town to give the notice.

**35.44.190 Proceedings conclusive—Exceptions.** Whenever any assessment roll for local improvements has been confirmed by the council, the regularity, validity, and correctness of the proceedings relating to the improvement and to the assessment therefor, including the action of the council upon the assessment roll and the confirmation thereof shall be conclusive in all things upon all parties. They cannot in any manner be contested or questioned in any proceeding by any person unless he filed written objections to the assessment roll in the manner and within the time required by the provisions of this chapter and unless he prosecutes his appeal in the manner and within the time required by the provisions of this chapter.

No proceeding of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any assessment or the sale of any property to pay an assessment or any certificate of delinquency issued therefor, or the foreclosure of any lien therefor, except that injunction proceedings may be brought to prevent the sale of any real estate upon the ground (1) that the property about to be sold does not appear upon the assessment roll or, (2) that the assessment has been paid.

**35.44.200 Procedure on appeal—Perfecting appeal.** The decision of the council or other legislative body, upon any objections made in the manner and within the time herein prescribed, shall be final and conclusive, subject however to review by the superior court upon appeal. The appeal shall be made by filing written notice of appeal with the city or town clerk and with the clerk of the superior court of the county in which the city or town is situated.

**35.44.210 Procedure on appeal—Notice of appeal.** The notice of appeal must be filed within ten days after the ordinance confirming the assessment roll becomes effective and shall describe the property and set forth the objections of the appellant to the assessment.

**35.44.220 Procedure on appeal—Bond.** At the time of filing the notice of appeal with the clerk of the superior court, the appellant shall execute and file with him a sufficient bond in the penal sum of two hundred dollars, with at least two sureties to be approved by the judge of the court, conditioned to prosecute the appeal without delay and, if unsuccessful, to pay all costs to which the city or town is put by reason of the appeal. Upon application therefor, the court may order the appellant to execute and file such additional bonds as the necessity of the case may require.

**35.44.230 Procedure on appeal—Transcript.** Within ten days from the filing of the notice of appeal, the appellant shall file with the clerk of the superior court a transcript consisting of the assessment roll and his objections thereto, together with the ordinance confirming the assessment roll and the record of the council with reference to the assessment. This transcript, upon payment of the necessary fees therefor, shall be furnished by the city or town clerk and shall be certified by him to contain full, true and correct copies of all matters and proceedings required to be included in the transcript. The fees payable therefor shall be the same as those payable to the clerk of the superior court for the preparation and certification of transcripts on appeal to the supreme court in civil actions.

**35.44.240 Procedure on appeal—Notice of hearing.** Within three days after the filing of the transcript with the clerk of the superior court, the appellant shall give notice to the head of the legal department of the city or town and to its clerk that the transcript has been filed. The notice shall also state a time (not less than three days from the date of service thereof) when the appellant will call up the cause for hearing.

**35.44.250 Procedure on appeal—Hearing by superior court.** At the time fixed for hearing in the notice thereof or at such further time as may be fixed by the court, the superior court shall hear and determine the appeal without a jury and the cause shall have preference over all other civil causes except proceedings relating to eminent domain in cities and towns and actions of forcible entry and detainer. The judgment of the court shall confirm, unless the court shall find from the evidence that such assessment is founded upon a fundamentally wrong basis and/or the decision of the council or other legislative body thereon was arbitrary or capricious; in which event the judgment of the court shall correct, change, modify, or annul the assessment insofar as it affects the property of the appellant.



**35.44.260 Procedure on appeal—Appeal to supreme court.** An appeal shall lie to the supreme court from the judgment of the superior court as in other cases if taken within fifteen days after the date of the entry of the judgment in the superior court. The record and the opening brief of the appellant must be filed in the supreme court within sixty days after the filing of the notice of appeal: *Provided*, That the time for filing the record and the serving and filing of briefs may be extended by order of the superior court or by stipulation of the parties concerned.

**35.44.270 Procedure on appeal—Certified copy of decision or order.** A certified copy of the decision of the superior court pertaining to assessments for local improvements shall be filed with the officer having custody of the assessment roll and he shall modify and correct the assessment roll in accordance with the decision. In case of appeal to the supreme court, a certified copy of its order shall be filed with the officer having custody of the assessment roll and he shall thereupon modify and correct the assessment roll in accordance with the order.

**35.44.280 Reassessments—When authorized.** In all cases of special assessments for local improvements wherein the assessments are not valid in whole or in part for want of form, or insufficiency, informality, irregularity, or nonconformance with the provisions of law, charter, or ordinance, the city or town council may reassess the assessments and enforce their collection in accordance with the provisions of law and ordinance existing at the time the reassessment is made. This shall apply not only to an original assessment but also to any reassessment, to any assessment upon omitted property and to any supplemental assessment which is declared void and its enforcement refused by any court or which for any cause has been set aside, annulled or declared void by any court either directly or by virtue of any decision thereof.

**35.44.290 Reassessments—Basis—Property included.** Every reassessment shall be made upon the property which has been or will be specially benefited by the local improvement and may be made upon property whether or not it abuts upon, is adjacent to, or proximate to the improvement or was included in the original assessment district.

Property not included in the original improvement district when so assessed shall become a part of the improvement district and all payments of assessments shall be paid into and become part of the local improvement fund to pay for the improvement.

Property in the original local improvement district which is

excluded in reassessment need not be entered upon the assessment roll.

Every reassessment must be based upon the actual cost of the improvement at the time of its completion.

**35.44.300 Reassessments—Irregularities not fatal.** The fact that the contract has been let or that the improvement has been made and completed in whole or in part shall not prevent the reassessment from being made, nor shall the omission or neglect of any office or officers to comply with the law, the charter, or ordinances governing the city or town as to petition, notice, resolution to improve, estimate, survey, diagram, manner of letting contract, or execution of work or any other matter connected with the improvement and the first assessment thereof operate to invalidate or in any way affect the making of a reassessment.

**35.44.310 Reassessments—Amount thereof.** The reassessment shall be for an amount which shall not exceed the actual cost and expense of the improvement, together with the accrued interest thereon, it being the true intent and meaning of the statutes relating to local improvements to make the cost and expense of local improvements payable by the property specially benefited thereby, notwithstanding the proceedings of the council, board of public works or other board, officer, or authority may be found to be irregular or defective, whether jurisdictional or otherwise.

**35.44.320 Reassessments—Credit for prior payments.** In case of reassessment, all sums paid on the former attempted assessments shall be credited to the property on account of which they were paid.

**35.44.330 Reassessments—Payment.** In case of reassessment after the certification of the assessment roll to the city or town treasurer for collection, the same length of time for payment of the assessment thereon without the imposition of any penalties or interest and the notice that the assessments are in the hands of the treasurer for collection shall be given as in case of an original assessment. After delinquency, penalties and interest may be charged as in cases of original assessment and if the original assessment was payable in installments, the new assessment may be divided into equal installments and made payable at such times as the city or town council may prescribe in the ordinance ordering the new assessment.

**35.44.340 Reassessments—Limitation of time for.** No city or town shall have jurisdiction to proceed with any reassessment unless the ordinance ordering it is passed by the city or town council within ten years from and after the time the original assessment

for the same improvement was finally held to be invalid, insufficient or for any cause set aside, in whole or in part or its enforcement denied directly or indirectly by the courts.

**35.44.350 Reassessments, assessments on omitted property, supplemental assessments—Provisions governing.** All of the provisions of law relating to the filing of assessment rolls, time and place for hearing thereon, notice of hearing, the hearing upon the roll, the confirmation of the assessment roll, the time when the assessments become a lien upon the property assessed, the proceedings on appeal from any such assessment, the method of collecting the assessment and all proceedings for enforcing the lien thereof shall be had and conducted the same in the case of reassessments, assessments on omitted property, or supplemental assessments as in the case of an original assessment.

**35.44.360 Assessments on omitted property—Authority.** If by reason of mistake, inadvertence, or for any cause, property in a local improvement district which except for its omission would have been subject to assessment has been omitted from the assessment roll, the city or town council, upon its own motion, or upon the application of the owner of any property in the district which has been assessed for the improvement, may proceed to assess the property so omitted in accordance with the benefits accruing to it by reason of the improvement in proportion to the assessments levied upon other property in the district.

**35.44.370 Assessments on omitted property—Resolution—Notice.** In case of assessments on omitted property the city or town council shall pass a resolution:

(1) Setting forth that the property therein described was omitted from the assessment;

(2) Notifying all persons who may desire to object thereto to appear at a meeting of the city or town council at a time specified in the resolution and present their objections thereto, and

(3) Directing the proper board, officer, or authority to report to the council at or prior to the date fixed for the hearing the amount which should be borne by each lot, tract, or parcel of land or other property so omitted. The resolution shall be published in all respects as provided for publishing the resolutions for an original assessment.

**35.44.380 Assessments on omitted property—Confirmation ordinance—Collection.** At the conclusion of the hearing or any adjournment thereof upon proposed assessments on omitted property the council shall consider the matter as though the property were included in the original roll and may confirm the roll or any por-

tion thereof by ordinance. Thereupon the roll of omitted property shall be certified to the treasurer for collection as other assessments.

**35.44.390 Supplemental assessments—When authorized.** If by reason of any mistake, inadvertence, or other cause, the amount assessed was not equal to the cost and expense of a local improvement or that portion thereof to be paid by assessment of the property benefited the city or town council shall make supplemental assessments on all the property in the district. The property found to be specially benefited shall not be limited to the property included in the original assessment district.

These assessments shall be made in accordance with the provisions of law, charter, and ordinances existing at the time of the levy.

**35.44.400 Supplemental assessments—Limitation of time for.** No city or town shall have jurisdiction to proceed with any supplemental assessment unless the ordinance ordering it is passed by the city or town council within ten years from and after the time that it was finally determined that the total amount of valid assessments levied and assessed on account of a local improvement was insufficient to pay the whole or that portion of the cost and expense thereof to be paid by special assessment.

### Chapter 35.45

#### LOCAL IMPROVEMENTS—BONDS AND WARRANTS

**35.45.010 Authority to issue bonds.** The city or town council may provide by ordinance for the payment of the whole or any portion of the cost and expense of any local improvement by bonds of the improvement district, but no bonds shall be issued in excess of the cost and expense of the improvement, nor shall they be issued prior to twenty days after the thirty days allowed for the payment of assessments without penalty or interest.

**35.45.020 Bond issue—Due date—Interest.** Local improvement bonds shall be issued pursuant to ordinance and shall be made payable on or before a date not to exceed twelve years from and after the date of issue, which latter date may be fixed by resolution of the council, and bear interest not to exceed eight percent per annum, payable annually or semiannually: *Provided*, That they may be made payable on or before a date not to exceed twenty-two years from and after the date of issue:

(1) If the improvement lies wholly or partly within the boundaries of a commercial waterway district; or

(2) If the city or town council having determined by unanimous vote that the period during which the bonds are payable will not exceed the life of the improvement, by unanimous vote adopts an

ordinance which provides for their issuance payable on or before a date not to exceed twenty-two years from and after their date and also provides that the interest on the bonds issued for a period in excess of twelve years shall not exceed six percent per annum and must be sold at not less than par.

**35.45.030 Bonds — Form — Content—Coupons.** Local improvement bonds shall be in such denominations as may be provided in the ordinance authorizing their issue and shall be numbered from one upwards consecutively. Each bond shall (1) be signed by the mayor and attested by the clerk, (2) have the seal of the city or town affixed thereto, (3) refer to the improvement to pay for which it is issued and the ordinance ordering it, (4) provide that the principal sum therein named and the interest thereon shall be payable out of the local improvement fund created for the cost and expense of the improvement or out of the local improvement guaranty fund and not otherwise, (5) provide that the bondholders' remedy in case of nonpayment shall be confined to the enforcement of the special assessments made for the improvement and to the guaranty fund, and (6) have attached thereto interest coupons for each interest payment.

The interest coupons may be signed by the mayor and attested by the clerk, or in lieu thereof, may have printed thereon a facsimile of their signatures.

**35.45.040 Bonds—Sale of.** Local improvement bonds may be issued to the contractor or sold by the officers authorized by the ordinance directing their issue to do so, in the manner prescribed therein and at not less than par and accrued interest. Any portion of the bonds of any issue remaining unsold may be issued to the contractor constructing the improvement in payment thereof.

The proceeds of all sales of bonds shall be applied in payment of the cost and expense of the improvement.

**35.45.050 Call of bonds.** The city or town treasurer shall call in and pay the principal of one or more bonds of any issue in their numerical order whenever there is sufficient money in any local improvement fund, against which the bonds have been issued, over and above sufficient for the payment of interest on all unpaid bonds of that issue. The call shall be made for publication in the city or town official newspaper in its first publication following the date of delinquency of any installment of the assessment or as soon thereafter as practicable. The call shall state that bonds No. .... (giving the serial number or numbers of the bonds called) will be paid on the day the next interest coupons on the bonds become due and that interest on those bonds will cease upon that date.

**35.45.060 Interest on bonds—How payable.** The city or town treasurer shall pay interest on the bonds issued against local improvement funds out of the local improvement fund from which the bonds are payable.

**35.45.070 Nonliability of city or town.** Neither the holder nor owner of any bond, interest coupon, or warrant issued against a local improvement fund shall have any claim therefor against the city or town by which it is issued, except for payment from the special assessments made for the improvement for which the bond or warrant was issued and except also for payment from the local improvement guaranty fund of the city or town as to bonds issued after the creation of a local improvement guaranty fund of that city or town. The city or town shall not be liable to the holder or owner of any bond, interest coupon, or warrant for any loss to the local improvement guaranty fund occurring in the lawful operation thereof. A copy of the foregoing part of this section shall be plainly written, printed or engraved on each bond.

**35.45.080 Remedy of bondholders.** If a city or town fails to pay any bonds or to promptly collect any local improvement assessments when due, the owner of the bonds may proceed in his own name to collect the assessment and foreclose the lien thereof in any court of competent jurisdiction and shall recover in addition to the amount of the bond and interest thereon, five percent, together with the cost of suit. Any number of holders of bonds for any single improvement may join as plaintiffs and any number of owners of property upon which the assessments are liens may be joined as defendants in the same suit.

The owners of local improvement bonds issued by a city or town after the creation of a local improvement guaranty fund therein, shall also have recourse against the local improvement guaranty fund of such city or town.

**35.45.090 Excess to be refunded—Demand—Right of action.** Any funds in the treasury of any municipal corporation belonging to the fund of any local improvement district after the payment of the whole cost and expense of such improvement, in excess of the total sum required to defray all the expenditures by such municipal corporation on account thereof, shall be refunded, on demand, to the payers into such fund. Each such payer shall be entitled to such proportion of such excess as his original assessment bears to the entire original assessment levied for such improvement. Such municipal corporation may, after one year from the date on which the last installment becomes due, transfer any balance remaining on hand to the general fund of such municipal corporation, but shall, notwithstanding such transfer remain liable for the refund herein

provided for until such refund shall have been made, unless the actual cost involved in making such refund shall exceed the excess in such fund.

Such demand shall be made in writing to the treasurer of such municipal corporation. No action shall be commenced in any court to obtain any such refund, except upon such demand, and until ninety days after making such demand. No excess shall be recovered in any action where the excess in the fund does not average the sum of one dollar in favor of all payers into such fund.

This section shall not be deemed to require the refunding of any balance left in any local improvement fund after the payment of all outstanding obligations issued against such fund, where such balance accrues from any saving in interest or from penalties collected upon delinquent assessments, but any such balance, whether accruing heretofore or hereafter, may be turned into the general fund or otherwise disposed of, as the legislative authority of the city may direct.

The provisions of this chapter relating to the refund of excess local improvement district funds shall not apply to any district whose obligations are guaranteed by the local improvement guaranty fund.

**35.45.130 Warrants against local improvement fund authorized.** Every city and town may provide by ordinance for the issuance of warrants in payment of the cost and expense of any local improvement, payable out of the local improvement district fund. The warrants shall bear interest at a rate not to exceed eight percent per annum and shall be redeemed either in cash or by local improvement bonds for the same improvement authorized by ordinance.

All warrants against any local improvement fund sold by the city or town or issued to a contractor and by him sold or hypothecated for a valuable consideration shall be claims and liens against the improvement fund against which they are drawn prior and superior to any right, lien, or claim of any surety upon the bond or bonds given to the city or town by or for the contractor to secure the performance of his contract or to secure the payment of persons who have performed work thereon, furnished materials therefor, or provisions and supplies for the carrying on of the work.

**35.45.140 Warrants acceptable in payment of assessments.** Cities and towns may accept warrants drawn against any local improvement fund upon such conditions as they may by ordinance or resolution prescribe, in satisfaction of:

- (1) Assessments levied to supply such fund, in due order of priority of right;
- (2) Judgments rendered against property owners who have be-

come delinquent in the payment of assessments levied to supply such fund; and

(3) In payment of certificates of purchase in cases where property of delinquents has been sold under execution or at tax sale for failure to pay assessments levied to supply such fund.

**35.45.150 Installment notes—Interest certificates.** In addition to the issuance of bonds and warrants in payment of the cost and expense of any local improvement, any city or town may also issue installment notes payable out of the local improvement district fund, where such notes are to be sold exclusively to another fund of the same municipality as an investment thereof. Such installment notes may be issued any time after the thirty day period allowed by law for the payment of assessments of any district without penalty or interest, and may bear any denomination or denominations, the aggregate of which shall represent the balance of the cost and expense of the local improvement district which is to be borne by the property owners therein.

Application of local improvement district funds for the reduction of the principal and interest amounts due on any notes herein provided to finance said improvement shall be made not less than once each year beginning with the issue date thereof. If more than one local improvement installment note is issued for a single district, said notes shall be numbered consecutively. All notes issued shall bear on the face thereof: (1) The name of the payee; (2) the number of the local improvement district from whose funds the notes are payable; (3) the date of issue of each note; (4) the date on which the note, or the final installment thereon shall become due; (5) the rate of interest, not to exceed eight percent, to be paid on the unpaid balance thereof, and; (6) such manual or facsimile signatures and attestations as are required by state statute or city charter to appear on the warrants of each issuing municipality.

The reverse side of each installment note issued pursuant to this section shall bear a tabular payment record which shall indicate at prescribed installment dates, the receipt of any local improvement district funds for the purpose of servicing the debt evidenced by said notes. Such receipts shall first be applied toward the interest due on the unpaid balance of the note, and any additional moneys shall thereafter apply as a reduction of the principal amount thereof. The tabular payment record shall, in addition to the above, show the unpaid principal balance due on each installment note, together with sufficient space opposite each transaction affecting said note for the manual signature of the city's clerk, treasurer or other properly designated receiving officer of the municipality.

Whenever there are insufficient funds in a local improvement



district to meet any payment of installment interest due on any note herein authorized, a non-interest-bearing defaulted installment interest certificate shall be issued by the city treasurer which shall consist of a written statement certifying the amount of such defaulted interest installment; the name of the payee of the note to whom the interest is due and the number of the local improvement district from whose funds the note and interest thereon is payable. The certificate herein provided shall bear the manual signature of the city treasurer or his authorized agent. The defaulted installment interest certificate so issued shall be redeemed for the face amount thereof with any available funds in the local improvement guaranty fund.

Whenever at the date of maturity of any installment note issued pursuant to this section, there are insufficient funds in a local improvement district, due to delinquencies in the collection of assessments, to pay the final installment of principal due thereon, the note shall be redeemed with any available funds in the local improvement guaranty fund for the amount of said final installment.

All certificates and notes issued pursuant to this section are to become subject to the same redemption privileges as apply to any local improvement district bonds and warrants now accorded the protection of the local improvement guaranty fund as provided in chapter 35.54 RCW, and whenever the certificates or notes issued as herein provided are redeemed by said local improvement guaranty fund, they shall be held therein as investments thereof in the same manner as prescribed for other defaulted local improvement district obligations.

Notwithstanding any other statutory provisions, local improvement installment notes authorized by this section which are within the protection of the local improvement guaranty fund law shall be considered legal investments for any available surplus funds of the issuing municipality which now or hereafter may be authorized to be invested in the city's local improvement districts' bonds or warrants.

## Chapter 35.48

### LOCAL IMPROVEMENTS—NONGUARANTEED BONDS

**35.48.010 Special revolving fund for delinquent nonguaranteed bonds and warrants—Composition.** If any city or town has issued bonds or warrants payable from a local improvement or condemnation award fund, to which the local improvement guaranty fund law is not applicable, and if the assessment, or last installment thereof, against which the bonds or warrants were issued has been delinquent not more than thirty-two years, the city or town may create

a special revolving fund and may provide moneys therefor by general tax levy, if the levy, together with other levies made or authorized by such city or town, will not exceed the levy which is legally allowed; or such city or town may place in said fund or advance or loan to said fund any money which it is not prohibited by law from advancing, loaning to or placing in said fund.

**35.48.020 Use of revolving fund—Maximum bond price.** Any moneys in such revolving fund may be used for the purchase of unpaid delinquent local improvement warrants, or bonds and interest coupons thereon, issued by the city or town, payable from a local improvement district fund or condemnation award fund, to which the local improvement guaranty fund law is not applicable, if the assessment, or last installment thereof, against which the bonds or warrants have been issued, has been delinquent not more than thirty-two years. The maximum purchase price to be paid for said bonds or warrants shall be fixed by the municipality, and may from time to time be changed but shall never exceed fifty percent of the face value of the bonds, interest coupons, or warrants: *Provided*, That no warrants shall be issued payable from the revolving fund unless there is sufficient cash in said fund available for payment of such warrants.

**35.48.030 Subrogation—Refund of surplus.** The purchase of any such bonds or warrants shall not relieve the local improvement or condemnation award fund from which the same are payable from liability for payment of the same, but the city or town upon purchase thereof shall become subrogated to all the rights of the former owners thereof and may proceed to enforcement of said bonds or warrants as any owner thereof might do. The city or town may sell any property acquired by it in such proceedings upon such terms and for such prices as it sees fit, or it may resell any of the bonds or warrants for such prices as it shall fix.

Any excess in any local improvement district fund or condemnation award fund which will average a payment of one dollar to each payer into said fund shall, after payment, retirement, or cancellation of all bonds or warrants payable from said fund, be refunded and paid to the payers into the fund in the proportion that their respective assessments bear to the entire original assessment levied for such improvement, and any unpaid assessments, or portion thereof, shall be reduced in the same proportion. Any proceeds derived from the sale of any bonds or warrants, or from the sale of real estate, shall be placed in the revolving fund.

**35.48.040 Refund to revolving fund.** If there are funds in any local improvement district fund or condemnation award fund sufficient to pay or retire any bond or warrant issued and payable from

said fund, and the city or town is the owner and holder of the bond or warrant next payable from the fund, the city or town treasurer shall from the moneys in the local improvement or condemnation award fund place in the revolving fund a sum of money equivalent to the amount paid by the city or town for such bond or warrant and shall thereupon cancel, mark paid and remove from said revolving fund such bond or warrant.

**35.48.050 Purchase of warrants on previous funds—Transfer of assets to revolving fund—Disposition.** Whenever a city or town has heretofore by ordinance created a fund for use in purchasing delinquent local improvement or condemnation award bonds or warrants not protected by the local improvement guaranty fund law, and has purchased any such bonds or warrants and issued warrants payable from said fund, which warrants are unpaid because of lack of funds and have remained unpaid for a period of less than thirty-two years from date of issue thereof, the city or town may use any funds available in the revolving fund to purchase said warrants at such price as it may determine, but in no event at more than fifty percent of the face value, without interest.

Whenever all such warrants have been purchased or paid, the city or town may transfer to the revolving fund any bonds, warrants or other assets belonging to said fund first above mentioned, and thereafter such bonds, warrants or other assets shall be held and disposed of for the benefit of said revolving fund in the same manner as other funds and assets therein: *Provided*, That nothing contained in this chapter shall legalize any warrants heretofore issued or render any city or town liable thereunder.

**35.48.060 Procedure governed by ordinance.** All actions of a city or town respecting the purchase of bonds and warrants or sales of bonds, warrants or assets of the revolving fund shall be as directed by general or special ordinance.

### Chapter 35.49

#### LOCAL IMPROVEMENTS—COLLECTION OF ASSESSMENTS

**35.49.010 Collection by city treasurer—Notice.** All assessments for local improvements shall be collected by the city treasurer and shall be kept in a separate fund to be known as “local improvement fund, district No. ....” and shall be used for no other purpose than the redemption of warrants drawn upon and bonds issued against the fund to provide payment for the cost and expense of the improvement.

As soon as the assessment roll has been placed in the hands of the city or town treasurer for collection, he shall publish a notice

in the official newspaper of the city or town for ten consecutive daily or two consecutive weekly issues, that the roll is in his hands for collection and that all or any portion of the assessment may be paid within thirty days from the date of the first publication of the notice without penalty, interest or costs.

**35.49.020 Installments—Number—Due date.** In all cases where bonds are issued to pay the cost and expense of a local improvement, the ordinance levying the assessments shall provide that the sum charged against any lot, tract, and parcel of land or other property, or any portion thereof, may be paid during the thirty day period allowed for the payment of assessments without penalty or interest and that thereafter the sum remaining unpaid may be paid in equal annual installments. The number of installments shall be less by two than the number of years which the bonds issued to pay for the improvement are to run. Interest on the whole amount unpaid at the rate fixed by the ordinance shall be due on the due date of the first installment of principal and each year thereafter on the due date of each installment of principal: *Provided*, That the city council of a city of the first class having a population of three hundred thousand or more having made a bond issue payable on or before twenty-two years after the date of issue may provide by ordinance that all assessments and portions of assessments unpaid after the thirty day period allowed for payment of assessments without penalty or interest may be paid in ten equal installments beginning with the eleventh year and ending with the twentieth year from the expiration of said thirty day period, together with interest on the unpaid installments at the rate fixed by such ordinance, and that in each year after the said thirty day period, to and including the tenth year thereafter, one installment of interest on the principal sum of the assessment at the rate so fixed shall be paid and collected, and that beginning with the eleventh year after the thirty day period one installment of the principal, together with the interest due thereon, and on all installments thereafter to become due shall be paid and collected.

**35.49.030 Ordinance to prescribe time of payment—Interest—Penalties.** Every city and town shall prescribe by ordinance within what time assessments or installments thereof shall be paid, and shall provide for the payment and collection of interest thereon at a rate not to exceed eight percent per annum. Assessments or installments thereof, when delinquent, in addition to such interest, shall bear such penalty not less than five percent as shall be by general ordinance prescribed.

**35.49.040 Payment without interest or penalty.** The owner of any lot, tract, or parcel of land or other property charged with local

improvement assessment may redeem it from all or any portion thereof by paying to the city or town treasurer all or any portion thereof without interest within thirty days after the first publication by the treasurer of notice that the assessment roll is in his hands for collection.

**35.49.050 Prepayment of installments subsequently due.** The owner of any lot, tract, or parcel of land or other property charged with a local improvement assessment may redeem it from all liability for the unpaid amount of the assessment at any time after the thirty day period allowed for payment of assessments without penalty or interest by paying the entire installments of the assessment remaining unpaid to the city or town treasurer with interest thereon to the date of maturity of the installment next falling due.

**35.49.060 Payment by city or town.** On or before the fifteenth day of August of each year, the city or town treasurer shall certify to the city or town council a detailed statement showing:

(1) The proceedings authorizing and confirming any local improvement assessments affecting city or town property,

(2) The lots, tracts, or parcels of land of the city or town so assessed,

(3) The several assessments against each,

(4) The interest, penalties, and charges thereon,

(5) The penalties and charges which will accrue upon the assessments to the date of payment, and

(6) The total of all such assessments, interest, penalty, and charges.

The longest outstanding liens shall be paid first, but if the money in the "city (or town) property assessments redemption fund" is insufficient at any time to discharge all such liens against the lands of the city or town upon a given assessment roll, the city or town treasurer may pay such portion thereof as may be possible from the funds available.

If deemed necessary, the city or town council may transfer money from the general fund to the redemption fund as a loan to be repaid when the money is available for repayment.

**35.49.070 Payment by county.** Upon the confirmation of the assessment roll for a local improvement district, the city or town treasurer shall certify and forward to the board of county commissioners a statement of all the lots, tracts, or parcels of land held or owned by the county assessed thereon, separately describing each lot, tract, or parcel, with the amount of the assessment charged against it.

The board of county commissioners shall cause the amount of

such local assessments to be paid to the city or town as other claims against the county are paid.

If title to any property thus described was acquired by the county through foreclosure of general tax liens, the county shall:

(1) Pay the assessment from the proceeds of the sale of the property; or

(2) Sell the property subject to the lien of the assessment.

**35.49.080 Payment by metropolitan park district.** Upon the confirmation of the assessment roll for a local improvement district, the city treasurer shall certify and forward to the board of park commissioners of any metropolitan park district in which the city is located, a statement of all the lots, tracts, and parcels of land or other property held or owned by the district, assessed thereon, separately describing each lot, tract, or parcel with the amount of the assessment charged against it.

The board of park commissioners shall cause the amount of the local assessments to be paid as other claims against the metropolitan park district are paid.

**35.49.090 Payment by joint owner.** If any assessment for a local improvement, or an installment thereof, or judgment for either of them is paid, or a certificate of sale for either of them is redeemed by a joint owner of any of the property so assessed, he may, after demand and refusal, recover from his co-owners, by an action brought in superior court, the respective portions of the payment which each co-owner should bear. He shall have a lien upon the undivided interests of his co-owners from the date of the payment made by him and in the action shall recover interest at ten percent from the date of payment by him and the costs of the action in addition to the principal sum due him.

**35.49.100 Payment in error—Remedy.** If, through error or inadvertence, a person pays any assessment for a local improvement or an installment thereof upon the lands of another, he may, after demand and refusal, recover from the owner of such lands, by an action in the superior court, the amount so paid and the costs of the action.

**35.49.110 Record of payment.** If the amount of any assessment for a local improvement with interest, penalty, costs, and charges accrued thereon is paid to the treasurer before sale of the property in foreclosure of the lien thereon, the city or town treasurer shall mark it paid upon the assessment roll with the date of payment thereof.

**35.49.120 Tax liens—Private certificate holder takes subject to local assessments.** The holder of a certificate of delinquency for

general taxes, before commencing any action to foreclose the lien of such certificate, shall pay in full all local improvement assessments or installments thereof which are a lien against the property or any portion thereof, or he may elect to proceed to acquire title to the property subject to certain or all of the assessments or installments which are a lien thereon, in which case the complaint, decree of foreclosure, order of sale, sale, certificate of sale, and deed shall so state.

If the holder pays such local assessments or installments he shall be entitled to twelve percent interest per annum on the amount of the delinquent assessments or delinquent installments thereof so paid, from the date of payment.

**35.49.130 Tax liens—County foreclosures—Notice to city treasurers—City may protect assessment lien.** In county foreclosures for delinquency in the payment of general taxes, the county treasurer shall mail a copy of the published summons to the treasurer of every city and town within which any property involved in the foreclosure proceeding is situated. The copy of the summons shall be mailed within fifteen days after the first publication thereof, but the county treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of the tax sought to be foreclosed.

If any property situated in a city or town is offered for sale for general taxes, the city or town shall have power to protect the lien or liens of any local improvement assessments outstanding against the whole or portion of such property by purchase thereof or otherwise.

**35.49.140 Tax liens—Payment by city after taking property on foreclosure of local assessments.** If a city or town has bid in any property on sale for local improvement assessments, it may satisfy the lien of any outstanding general taxes upon the property by payment of the face of such taxes and costs, without penalty or interest, but this shall not apply where certificates of delinquency against the property have been issued to private persons.

**35.49.150 Tax title property—City may acquire from county before resale.** If property is struck off to or bid in by a county at a sale for general taxes, and is subject to local improvement assessments in any city or town, or has been taken over by the city or town on the foreclosure of local improvement assessments, the city or town may acquire the property from the county at any time before resale and receive a deed therefor upon paying the face of such taxes and costs, without penalty or interest.

**35.49.160 Tax title property—Disposition of proceeds upon resale.** Whenever property struck off to or bid in by a county at a sale

for general taxes is subsequently sold by the county, the proceeds of the sale shall first be applied to discharge in full the lien or liens for general taxes for which property was sold; the remainder, or such portion thereof as may be necessary, shall be paid to the city or town to discharge all local improvement assessment liens against the property; and the surplus, if any, shall be distributed among the proper county funds.

### Chapter 35.50

#### LOCAL IMPROVEMENTS—FORECLOSURE OF ASSESSMENTS

**35.50.005 Filing of title, diagram, expense—Posting proposed roll.** Within fifteen days after any city or town has awarded a contract for the making of a local improvement, or within fifteen days after commencement of work on said improvement when the work is done by the city or town, the city or town awarding said contract shall cause to be filed with the officer authorized by law to collect the assessments for such improvement, the title of the improvement and district number and a copy of the diagram or print showing the boundaries of the district and preliminary assessment roll or abstract of same showing thereon the lots, tracts and parcels of land that will be especially benefited thereby and the estimated cost and expense of such improvement to be borne by each lot, tract, or parcel of land. Such officer shall immediately post the proposed assessment roll upon his index of local improvement assessments against the properties affected by the local improvement.

**35.50.010 Assessment lien—Attachment—Priority.** The charge assessed upon the respective lots, tracts, or parcels of land and other property in the assessment roll confirmed by ordinance of the city or town council for the purpose of paying the cost and expense in whole or in part of any local improvement, shall be a lien upon the property assessed from the time the assessment roll is placed in the hands of the city or town treasurer for collection, but as between the grantor and grantee, or vendor and vendee of any real property, when there is no express agreement as to payment of the local improvement assessments against the real property, the lien of such assessment shall attach thirty days after the filing of the diagram or print and the estimated cost and expense of such improvement to be borne by each lot, tract, or parcel of land, as provided in RCW 35.50.005. Interest and penalty shall be included in and shall be a part of the assessment lien.

The assessment lien shall be paramount and superior to any other lien or encumbrance theretofore or thereafter created except a lien for general taxes.



**35.50.020 Assessment lien—Validity.** If the city or town council in making assessments against any property within any local improvement district has acted in good faith and without fraud, the assessments shall be valid and enforceable as such and the lien thereof upon the property assessed shall be valid.

It shall be no objection to the validity of the assessment, or the lien thereof:

(1) That the contract for the improvement was not awarded in the manner or at the time required by law; or

(2) That the assessment was made by an unauthorized officer or person if the assessment roll was confirmed by the city or town authorities; or

(3) That the assessment is based upon a front foot basis, or upon a basis of benefits to the property within the improvement district unless it is made to appear that the city or town authorities did not act in good faith and did not attempt to act fairly in regard thereto or unless it is made to appear that the city or town authorities acted fraudulently or oppressively in making the assessment.

All local improvement assessments heretofore or hereafter made by city or town authorities in good faith are valid and in full force and effect.

**35.50.030 Authority and conditions precedent to foreclosure.** If on the first day of January in any year, two installments of any local improvement assessment are delinquent, or if the final installment thereof has been delinquent for more than one year, the city or town shall proceed with the foreclosure of the delinquent assessment or delinquent installments thereof by proceedings brought in its own name in the superior court of the county in which the city or town is situate.

The proceedings shall be commenced on or before March 1st of that year or on or before such other date in such year as may be fixed by general ordinance, but not before the city or town treasurer has mailed to the persons whose names appear on the assessment roll as owners of the property charged with the assessments or installments which are delinquent, at the address last known to the treasurer, a notice thirty days before the commencement of the proceedings.

The notice shall state the amount due upon each separate lot, tract, or parcel of land and the date after which the proceedings will be commenced. The city or town treasurer shall file with the clerk of the superior court at the time of commencement of the foreclosure proceeding the affidavit of the person who mailed the notices. This affidavit shall be conclusive proof of compliance with the requirements of this section.

**35.50.040 Entire assessment, foreclosure of.** When the local improvement assessment is payable in installments, the enforcement of the lien of any installment shall not prevent the enforcement of the lien of any subsequent installment.

A city or town may by general ordinance provide that upon failure to pay any installment due the entire assessment shall become due and payable and the collection thereof enforced by foreclosure: *Provided*, That the payment of all delinquent installments together with interest, penalty, and costs at any time before entry of judgment in foreclosure shall extend the time of payment on the remainder of the assessments as if there had been no delinquency or foreclosure. Where foreclosure of two installments of the same assessment on any lot, tract, or parcel is sought, the city or town treasurer shall cause such lot, tract, or parcel to be dismissed from the action, if the installment first delinquent together with interest, penalty, costs, and charges is paid at any time before sale.

**35.50.050 Limitation of foreclosure action.** An action to collect a local improvement assessment or any installment thereof or to enforce the lien thereof whether brought by the city or town, or by any person having the right to bring such action must be commenced within ten years after the assessment becomes delinquent or within ten years after the last installment becomes delinquent, if the assessment is payable in installments.

**35.50.060 Procedure—Commencement of action.** The proceeding when brought by the city or town shall be initiated by filing with the clerk of the superior court a certificate of the city or town treasurer setting forth a description of each separate lot, tract, or parcel of land or other property upon which the assessment or installments thereof are delinquent, the date of delinquency and the amount thereof, including interest and penalty, the name of the owner thereof as appears upon the assessment roll, or that the owner is unknown, the number and date of passage of the ordinance authorizing the improvement, the number and date of passage of the ordinance confirming the assessment roll and the number of the local improvement district.

All such lots, tracts, or parcels of land or other property may be included in one certificate.

**35.50.070 Procedure—Parties and property included.** It shall not be necessary to bring a separate suit for each lot, tract, or parcel of land or other property or for each separate local improvement district, but all or any part of the property upon which local improvement assessments are delinquent under any and all local improvement assessment rolls in the city or town may be proceeded

against in the same action and all or any of the owners or persons interested in any of the property being foreclosed upon may be joined as parties defendant in a single action to foreclose, and all or any liens for such delinquent assessments or installments thereof may be foreclosed in such proceeding.

**35.50.080 Procedure—Pleadings and evidence.** The certificate of the city or town treasurer the filing of which initiated the foreclosure action shall be prima facie evidence of the regularity and legality of the proceedings and the burden of proof shall be on the defendants.

The persons whose names appear on the rolls as owners of the property shall be considered as the owners thereof for the purpose of foreclosure and if it appears upon the rolls that the owner of any property is unknown, that property shall be proceeded against as belonging to an unknown owner and all persons owning, or claiming to own the property, or who have or claim to have an interest therein, are required to take notice of the proceedings and of all steps thereunder.

**35.50.090 Procedure—Summons and service.** Upon the filing of the certificate which initiated the foreclosure action, the city or town treasurer with such legal assistance as the council may provide, shall cause a summons to be served by publication in one general notice describing the property as it is described on the assessment rolls. The summons shall require the defendants and each of them to appear and answer it within sixty days from the date of its first publication.

The summons shall be published once each week for four successive weeks in the official newspaper of the city or town or, if it has none, in any weekly newspaper published in the county in which the city or town is situated.

The publication of the summons shall be sufficient service thereof on all persons interested in the property described therein.

**35.50.100 Procedure—Trial and Judgment.** The action shall be tried before the court without a jury. If the owner or persons interested in any particular lot, tract, or parcel of land or other property included in the foreclosure action suffer a default, the court may enter a judgment of foreclosure and sale as to them and the action may proceed as to the remaining defendants and property.

The judgment shall specify separately the amount of the assessment or installments thereof, including interest, penalty, and costs, chargeable to the several lots, tracts, or parcels of land or other property in the proceeding. The judgment shall have the effect of a separate judgment as to each lot, tract, or parcel described in the judgment, and any appeal from the judgment shall not invalidate or

delay the judgment except as to the property concerning which the appeal is taken.

In entering judgment, the court shall decree that the lots, tracts, or parcels of land or other property be sold by the city or town treasurer to enforce the judgment. Judgment may be entered as to any one or more separate lots, tracts, or parcels involved in the proceeding and the court shall retain jurisdiction as to the balance.

**35.50.110 Procedure—Appeals.** The laws governing appeals from general tax foreclosure judgments shall apply to appeals from judgments had in a local improvement assessment lien foreclosure action.

**35.50.120 Sale.** All sales shall be held by the city or town treasurer at the front door of the city or town hall or the building in which the treasurer's office is located. All sales shall be made on Saturday between the hours of nine o'clock in the morning and four o'clock in the afternoon, unless the treasurer's office of the city or town is closed on that day in accordance with law, in which event the sale shall be held on the next preceding business day, and shall continue from day to day, Saturdays, Sundays and holidays excepted, during the same hours until all lots, tracts, or parcels of land or other property are sold.

**35.50.130 Sale—Notice.** Notice containing a description of the property to be sold shall be given of the time and place where such sale is to take place by publication once each week for two successive weeks in the official newspaper of the city or town, or if it has none, in a weekly newspaper published in the county in which the city or town is situated. The date fixed for the sale shall be not less than ninety days after the first publication of the notice. The notice shall be substantially in the following form:

#### **LOCAL IMPROVEMENT ASSESSMENT SALE**

Public notice is hereby given that pursuant to local improvement assessment judgment of the superior court of the county of ..... in the state of Washington, entered the..... day of ....., ....., in proceedings for foreclosure of local improvement assessment liens upon real property, as per provisions of law, that I shall on the ..... day of....., ....., at ..... o'clock ..... at the front door of the city or town hall (or building in which the city or town treasurer's office is located) in the city or town of ..... in the county of ....., state of Washington, sell the following described lots, tracts or parcels of land or other property to satisfy the full amount of local improvement assessments, interest, penalty and

costs adjudged to be due thereon together with interest accrued on such assessment to the date of sale and costs of sale as follows to wit:

(Description of property) (Amount due)

In witness whereof, I have hereunto set my hand this..... day of ....., Treasurer of ....., county of ....., state of Washington.

**35.50.140 Sale—Manner of.** At the sale pursuant to a local improvement assessment lien foreclosure each lot, tract, or parcel of land or other property shall be sold to the person offering to pay therefor not less than the full amount of the assessment, interest, penalty, and costs adjudged to be due thereon, and if no such offer is received, shall be sold to the city or town for such amount.

If any bidder to whom any property is stricken off does not pay the amount of his bid before ten o'clock in the morning on the day following the day of its sale, the property shall then be resold, or if the sale has been closed, it shall be deemed to have been sold to the city or town.

Any amount received upon the sale of any lot, tract, or parcel in excess of the amount of the assessment, penalty, interest, and costs adjudged to be due thereon shall be paid by the city or town clerk to the clerk of the superior court for the benefit of the owner of the property.

**35.50.150 Sale—Purchaser's title.** The purchaser of any lot, tract, or parcel shall take it subject to the lien of all unpaid general taxes and local improvement assessments or installments still outstanding against it.

**35.50.160 Sale—Report of.** The city or town treasurer shall file with the clerk of the superior court, for deposit with other papers in the foreclosure action, proof of publication of the notice of sale and a report of the sale.

The report of sale shall contain the title and number of the action, a description of each lot, tract, or parcel sold, the amount for which it was sold, the date of the sale thereof, and the name of the purchaser.

**35.50.170 Sale—Certificate of purchase—Content.** The city or town treasurer shall execute and deliver to each purchaser a certificate of purchase. All lots, tracts, or parcels sold to the city or town on the same day may be included in one certificate of purchase.

The certificate signed by the treasurer shall be dated as of the date of sale, contain the name of the owner as given on the assessment roll, a description of each lot, tract, or parcel and the amount for which it was sold, a brief designation of the improvement for which the assessment was levied, the name of the purchaser, and a

statement that the purchaser, his successor, or assigns will be entitled to a deed at the expiration of the period of redemption allowed by law unless redemption is made.

**35.50.180 Sale — Certificate of purchase—Assignment—Recording.** A certificate of purchase may be assigned by a written assignment, signed by the assignor and acknowledged in the same manner and before the same officers as provided for deeds. Certificates of purchase and assignments thereof may be recorded in the office of the county auditor of the county wherein the land affected is situated.

**35.50.190 Sale—Redemption.** Any lot, tract or parcel sold pursuant to the foreclosure of a local improvement assessment lien shall be subject to redemption within two years from date of sale.

Redemption may be made by the persons designated in and shall be governed by the statutes applicable to redemptions from sales under decrees foreclosing mortgages on real property, the city or town treasurer to perform the duties therein imposed upon the sheriff, and the terms "judgment debtor" or "successor in interest" as used in such statutes shall be held to include an owner or a vendee.

**35.50.200 Sale—Deed—Form.** If the time for redemption from a sale made pursuant to the foreclosure of a local improvement assessment lien has expired without any redemption having been made, the treasurer shall deliver to the purchaser at the sale, his successor or assigns, a local improvement assessment deed. All property to be conveyed to the city or town as a result of the sale may be included in one deed.

The deed shall be substantially in the following form:

**LOCAL IMPROVEMENT ASSESSMENT DEED**

State of Washington, }  
County of..... } ss.

This indenture, made this ..... day of ....., between ..... as treasurer of the city (or town) of ....., county, state of Washington, party of the first part, and ....., party of the second part.

WITNESSETH, that, whereas, at a public sale of real property held on the ..... day of ....., pursuant to a real property local improvement assessment judgment entered in the superior court in the county of ....., on the.....

day of \_\_\_\_\_, in proceedings to foreclose local improvement assessment liens upon real property, the real property herein-after described was duly sold, and the said party of the second part is now entitled to a deed to said real property.

NOW, THEREFORE, KNOW YE, that the party of the first part, in consideration of the premises and by virtue of the statutes of the state of Washington in such cases provided, does hereby grant and convey unto the party of the second part, his heirs and assigns forever, the following described real property in the county of \_\_\_\_\_, state of Washington, to wit:

(Here insert decription of real property conveyed.)

This deed is subject to the lien of all unpaid general taxes and local improvement assessments, other than the particular installment or installments thereof for which the judgment aforesaid was entered. Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,

Treasurer of \_\_\_\_\_, county of \_\_\_\_\_, state of Washington.

**35.50.210 Sale—Deed—Validity—Cancellation.** A local improvement assessment deed shall be prima facie evidence that the property therein described was assessed according to law, that it was not redeemed and that the person executing the deed was the proper officer. It shall be conclusive evidence of the regularity of all other proceedings from the assessment up to and including the execution of the deed and shall vest in the grantee, his heirs and assigns, fee simple title to the property therein described without further acknowledgment or evidence of the conveyance. The deed shall be recorded in the same manner as other conveyances of real property.

Actions to cancel a local improvement assessment deed or for the recovery of property sold for delinquent local improvement assessments must be brought within three years from the date of the issuance of the deed.

**35.50.220 Alternative procedure—Commencement of action.** In lieu of the foregoing procedure for foreclosing local improvement assessment liens a city or town may by ordinance authorize and direct the use of an alternative method of proceeding by filing a complaint in the superior court of the county in which the city or town is located. It shall be sufficient to allege in the complaint (1) the passage of the ordinance authorizing the improvement, (2) the making of the improvement, (3) the levying of the assessment, (4) the confirmation thereof, (5) the date of delinquency of the installment or installments of the assessment for the enforcement of which

the action is brought and (6) that they have not been paid prior to delinquency or at all.

**35.50.230 Alternative procedure—Parties and property included.** In the alternative method of foreclosing local improvement assessment liens, all or any of the lots, tracts, or parcels of land or other property included in the assessment for one local improvement district may be proceeded against in the same action. All persons owning or claiming to own or having or claiming to have any interest in or lien upon the lots, tracts, or parcels involved in the action and all persons unknown who may have an interest or claim of interest therein shall be made defendants thereto.

**35.50.240 Alternative procedure—Pleadings and evidence.** In the alternative method of foreclosing local improvement assessment liens, the assessment roll and the ordinance confirming it, or duly authenticated copies thereof shall be prima facie evidence of the regularity and legality of the proceedings connected therewith and the burden of proof shall be on the defendants.

**35.50.250 Alternative procedure—Summons and service.** In the alternative method of foreclosing local improvement assessments, summons and the service thereof shall be governed by the statutes governing the foreclosure of mortgages on real property.

**35.50.260 Alternative procedure—Trial and judgment.** In the alternative method of foreclosing local improvement assessments the action shall be tried to the court without a jury. If the parties interested in any particular lot, tract, or parcel default, the court may enter judgment of foreclosure and sale as to such parties and lots, tracts, or parcels and the action may proceed as to the remaining defendants and lots, tracts, or parcels. Judgment and order of sale may be entered as to any one or more separate lots, tracts, or parcels involved in the action and the court shall retain jurisdiction to others.

The judgment shall specify separately the amount of the installments with interest, penalty, and costs chargeable to each lot, tract, or parcel. The judgment shall have the effect of a separate judgment as to each lot, tract, or parcel described in the judgment, and any appeal shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In the judgment the court shall order the lots, tracts, or parcels therein described sold, and an order of sale shall issue pursuant thereto for the enforcement of the judgment.

In all other respects the trial, judgment and order of sale, and appeals to the supreme court shall be governed by the statutes governing the foreclosure of mortgages on real property.



**35.50.270 Alternative procedure — Sale — Redemption—Deed.** In the alternative method of foreclosing local improvement assessments, all sales shall be subject to the right of redemption within two years from the date of sale. In all other respects, the sale, redemption and issuance of deed shall be governed by the statutes governing the foreclosure of mortgages on real property and the terms “judgment debtor” and “successor in interest” as used in such statutes shall be held to include an owner or a vendee.

### Chapter 35.53

#### LOCAL IMPROVEMENTS—DISPOSITION OF PROPERTY ACQUIRED

**35.53.010 Property to be held in trust—Taxability.** Property bid in by the city or town or struck off to it pursuant to proceedings for the foreclosure of local improvement assessment liens shall be held in trust by the city or town for the fund of the improvement district for the benefit of which the property was sold. Any property so held in trust shall be exempt from taxation for general state, county and municipal purposes during the period that it is so held.

**35.53.020 Discharge of trust.** The city or town may relieve itself of its trust relation to a local improvement district fund as to any lot, tract, or parcel of property by paying into the fund the amount of the delinquent assessment for which the property was sold and all accrued interest, together with interest to the time of the next call of bonds or warrants against the fund at the rate provided thereon. Upon such payment the city or town shall hold the property discharged of the trust.

**35.53.030 Sale or lease of trust property.** A city or town may lease or sell and convey any such property held in trust by it, by virtue of the conveyance thereof to it by a local improvement assessment deed. The sale may be public or private and for such price and upon such terms as may be determined by resolution of the council, any provisions of law, charter, or ordinance to the contrary notwithstanding. After first reimbursing any funds which may have advanced moneys on account of any lot, tract, or parcel, all proceeds resulting from lease or sale thereof shall ratably belong and be paid into the funds of the local improvement concerned.

**35.53.040 Termination of trust in certain property.** A city or town which has heretofore acquired or hereafter acquires any property through foreclosure of delinquent assessments for local improvements initiated or proceedings commenced before June 8, 1927, may terminate its trust therein by an action in the superior

court, if all the bonds and warrants outstanding in the local improvement district in which the assessments were levied are delinquent.

**35.53.050 Same—Complaint—Allegations.** The complaint in any such action by a city or town to terminate its trust in property acquired at a local improvement assessment sale shall set forth:

- (1) The number of the local improvement district,
- (2) The bonds and warrants owing thereby,
- (3) The owners thereof or that the owners are unknown,
- (4) A description of the assets of the district with the estimated value thereof,
- (5) The amount of the assessments, including penalty and interest, of any other local improvement districts which are a lien upon the same property,
- (6) The amount of the bonds and warrants owing by such other districts and the names of the owners thereof unless they are unknown, except where the bonds and warrants are guaranteed by a local improvement guaranty fund or pursuant to any other form of guaranty authorized by law.

**35.53.060 Same—Property—Parties—Summons.** Two or more delinquent districts and all property, bonds and warrants therein may be included in one action to terminate the trust.

All persons owning any bonds or warrants of the districts involved in the action or having an interest therein shall be made parties defendant except in cases where the bonds or warrants are guaranteed by a local improvement guaranty fund or pursuant to any other form of guaranty authorized by law.

Summons shall be served as in other actions. Unknown owners and unknown parties shall be served by publication.

**35.53.070 Same—Receivership—Regulations.** In such an action the court after acquiring jurisdiction shall proceed as in the case of a receivership except that the city or town shall serve as trustee in lieu of a receiver.

The assets of the improvement districts involved shall be sold at such prices and in such manner as the court may deem advisable and be applied to the costs and expenses of the action and the liquidation of the bonds and warrants of the districts.

No notice to present claims other than the summons in the action shall be necessary. Any claim presented shall be accompanied by the bonds and warrants upon which it is based. Dividends upon any bonds or warrants for which no claim was filed shall be paid into the general fund of the city or town, but the owner thereof may obtain it at any time within five years thereafter upon surrender and cancellation of his bonds and warrants.

Upon the termination of the receivership the city or town shall be discharged from all trusts relating to the property, funds, bonds, and warrants involved in the action.

### Chapter 35.54

#### LOCAL IMPROVEMENTS—GUARANTY FUND

**35.54.010 Establishment.** There is established in every city and town a fund to be designated the "local improvement guaranty fund" for the purpose of guaranteeing, to the extent of the fund, the payment of its local improvement bonds and warrants issued to pay for any local improvement ordered: (1) In any city of the first class having a population of more than three hundred thousand, subsequent to June 8, 1927; (2) in any city or town having created and maintained a guaranty fund under chapter 141, Laws of 1923, subsequent to the date of establishment of such fund; and (3) in any other city or town subsequent to April 7, 1926: *Provided*, That this shall not apply to any city of the first class which maintains a local improvement guaranty fund under chapter 138, Laws of 1917, but any such city maintaining a guaranty fund under chapter 138, Laws of 1917 may by ordinance elect to operate under the provisions of this chapter and may transfer to the guaranty fund created hereunder all the assets of the former fund and, upon such election and transfer, all bonds guaranteed under the former fund shall be guaranteed under the provisions of this chapter.

**35.54.020 Rules and regulations.** Every city and town operating under the provisions of this chapter shall prescribe by ordinance appropriate rules and regulations for the maintenance and operation of the guaranty fund not inconsistent with the provisions of this chapter.

**35.54.030 Source—Interest and earnings.** Interest and earnings from the local improvement guaranty fund shall be paid into the fund.

**35.54.040 Source—Subrogation rights to assessments.** Whenever any sum is paid out of the local improvement guaranty fund on account of principal or interest of a local improvement bond or warrant, the city or town as trustee of the fund shall be subrogated to all the rights of the holder of the bond or interest coupon or warrant so paid, and the proceeds thereof, or of the underlying assessment, shall become part of the guaranty fund.

**35.54.050 Source—Surplus from improvement funds.** If in any local improvement fund guaranteed by a local improvement guaranty fund there is a surplus remaining after the payment of all out-

standing bonds and warrants payable therefrom, it shall be paid into the local improvement guaranty fund.

**35.54.060 Source—Taxation.** For the purpose of maintaining the local improvement guaranty fund, every city and town shall, at the time of making its annual budget and tax levy, provide for the levy of a sum sufficient, with the other sources of the fund, to pay the warrants issued against the fund during the preceding fiscal year and to establish a balance therein: *Provided*, That the levy in any one year shall not exceed five percent of the outstanding obligations guaranteed by the fund.

The taxes levied for the maintenance of the local improvement guaranty fund shall be additional to and, if need be, in excess of all statutory and charter limitations applicable to tax levies in any city or town.

**35.54.070 Use of fund—Purchase of bonds, coupons and warrants.** Defaulted bonds, interest coupons and warrants against local improvement funds shall be purchased out of the guaranty fund, and as between the several issues of bonds, coupons, or warrants no preference shall exist, but they shall be purchased in the order of their presentation.

**35.54.080 Use of fund—Purchase of general tax certificates or property on or after foreclosure—Disposition.** For the purpose of protecting the guaranty fund, so much of the guaranty fund as is necessary may be used to purchase certificates of delinquency for general taxes on property subject to local improvement assessments which underlie the bonds, coupons, or warrants guaranteed by the fund, or to purchase such property at county tax foreclosures, or from the county after foreclosure.

The city or town, as trustee of the fund, may foreclose the lien of general tax certificates of delinquency and purchase the property at foreclosure sale; when doing so the court costs, costs of publication, expense for clerical work and other expenses incidental thereto shall be charged to and paid from the local improvement guaranty fund.

After acquiring title to property by purchase at general tax foreclosure sale or from the county after foreclosure, a city or town may lease it or sell it at public or private sale at such price on such terms as may be determined by resolution of the council. All proceeds shall belong to and be paid into the local improvement guaranty fund.

**35.54.090 Warrants against fund.** Warrants drawing interest at a rate not to exceed six percent shall be issued against the local

improvement guaranty fund to meet any liability accruing against it. The warrants so issued shall at no time exceed five percent of the outstanding obligations guaranteed by the fund.

### Chapter 35.55

#### LOCAL IMPROVEMENTS—FILLING LOWLANDS

**35.55.010 Authority—Second and third class cities.** If the city council of any city of the second and third class deems it necessary or expedient on account of the public health, sanitation, the general welfare, or other cause, to fill or raise the grade of any marshlands, swamplands, tidelands, shorelands, or lands commonly known as tideflats, or any other lowlands situated within the limits of the city, and to clear and prepare the lands for such filling, it may do so and assess the expense thereof, including the cost of making compensation for property taken or damaged, and all other costs and expense incidental to such improvement, to the property benefited, except such amount of such expense as the city council may direct to be paid out of the current or general expense fund.

If, in the judgment of the city council the special benefits for any such improvement shall extend beyond the boundaries of the filled area, the council may create an enlarged district which shall include, as near as may be, all the property, whether actually filled or not, which will be specially benefited by such improvement, and in such case the council shall specify and describe the boundaries of such enlarged district in the ordinance providing for such improvement and shall specify that such portion of the total cost and expense of such improvement as may not be borne by the current or general expense fund, shall be distributed and assessed against all the property of such enlarged district.

**35.55.020 Alternative methods of financing.** If the city council desires to make any improvement authorized by the provisions of this chapter it shall provide therefor by ordinance and unless the ordinance provides that the improvement shall be paid for wholly or in part by special assessments upon the property benefited, compensation therefor shall be made from any general funds of the city applicable thereto. If the ordinance provides that the improvement shall be paid for wholly or in part by special assessments upon property benefited, the proceedings for the making of the special assessments shall be as hereinafter provided.

**35.55.030 Boundaries—Excepted property.** Such ordinance shall specify the boundaries of the proposed improvement district and shall describe the lands which it is proposed to assess for said improvement. If any parcel of land within the boundaries of such

proposed improvement district has been wholly filled to the proposed grade elevation of the proposed fill, such parcel of land may be excluded from the lists of lands to be assessed, when in the opinion of the city council justice and equity require its exclusion. The boundaries of any improvement district may be altered so as to exclude land therefrom at any time up to the levying of the assessment but such changing of the boundaries shall be by ordinance.

**35.55.040 Damages—Eminent domain.** If an ordinance has been passed as in this chapter provided, and it appears that in making of the improvement so authorized, private property will be taken or damaged thereby, the city shall file a petition in the superior court of the county in which such city is situated, in the name of the city, praying that just compensation to be made for the property to be taken or damaged for the improvement specified in the ordinance be ascertained, and conduct proceedings in eminent domain in accordance with the statutes relating to cities for the ascertainment of the compensation to be made for the taking and damaging of property, except insofar as the same may be inconsistent with this chapter.

The filling of unimproved and uncultivated lowlands of the character mentioned in RCW 35.55.010 shall not be considered as damaging or taking of such lands. The damage if any, done to cultivated lands or growing crops thereon, or to buildings and other improvements situated within the district proposed to be filled, shall be ascertained and determined in the manner above provided; but no damage shall be awarded to any property owner for buildings or improvements placed upon lands included within said district after the publication of the ordinance defining the boundaries of the proposed improvement district: *Provided*, That the city shall after the passage of such ordinance, proceed with said improvement with due diligence. If the improvement is to be made at the expense of the property benefited, no account shall be taken of benefits by the jury or court in assessing the amount of compensation to be made to the owner of any property within such district, but such compensation shall be assessed without regard to benefits to the end that said property for which damages may be so awarded, may be assessed the same as other property within the district for its just share and proportion of the expense of making said improvement, and the fact that compensation has been awarded for the damaging or taking of any parcel of land shall not preclude the assessment of such parcel of land for its just proportion of said improvement.

**35.55.050 Estimates—Plans and specifications.** At the time of the initiation of the proceedings for any improvement as contem-

plated by this chapter, or at any time afterward, the city council shall cause plans and specifications for said improvement to be prepared and shall cause an estimate to be made of the cost and expense of making said improvement, including the cost of supervision and engineering, abstractor's fees, interest and discounts and all other expenses incidental to said improvement, including an estimate of the amount of damages for property taken or damaged, which plans, specifications and estimates shall be approved by the city council.

**35.55.060 Assessment roll—Items—Assessment units—Installments.** When such plans and specifications have been prepared and the estimates of the cost and expense of making the improvement have been adopted by the council and when an estimate has been made of the compensation to be paid for property damaged or taken, either before or after the compensation has been ascertained in the eminent domain proceedings, the city council shall cause an assessment roll to be prepared containing a list of all of the property within the improvement district which it is proposed to assess for the improvement, together with the names of the owners, if known, and if unknown the property shall be assessed to an unknown owner, and opposite each description shall be set the amount assessed to such description.

When so ordered by the council, the entire amount of compensation paid or to be paid for property damaged or taken, including all of the costs and expenses incidental to the condemnation proceedings together with the entire cost and expense of making the improvement, may be assessed against the property within the district subject to assessment, but the council may order any portion of the costs paid out of the current or general expense fund of the city.

The assessments shall be made according to and in proportion to surface area one square foot of surface to be the unit of assessment, except that the several parcels of land in any enlarged district not actually filled shall be assessed in accordance with special benefits: *Provided*, That where any parcel of land was partially filled by the owner prior to the initiation of the improvement, an equitable deduction for such partial filling may be allowed.

The cost and expense incidental to the filling of the streets, alleys and public places within such assessment district shall be borne by the private property within such district subject to assessment when so ordered by the council. When the assessments are payable in installments, the assessment roll when equalized, shall show the number of installments and the amounts thereof. The assessments may be made payable in any number of equal annual installments not exceeding ten in number.

**35.55.070 Hearing on assessment roll—Notice—Council's authority.** When such assessment roll has been prepared it shall be filed in the office of the city clerk and thereupon the city clerk shall give notice by publication in at least three issues of the official paper that such roll is on file in his office and that at a date mentioned in said notice, which shall be at least twenty days after the date of the first publication thereof, the city council will sit as a board of equalization to equalize said roll and to hear, consider and determine protests and objections against the same.

At the time specified in the notice, the city council shall sit as a board of equalization to equalize the roll and they may adjourn the sitting from time to time until the equalization of such roll is completed. The city council as board of equalization may hear, consider and determine objections and protests against any assessment and may make such alterations and modifications in the assessment roll as justice and equity may require.

**35.55.080 Hearings—Appeals.** Any person who has made objections to the assessment as equalized, shall have the right to appeal from the equalization as made by the city council to the superior court of the county. The appeal shall be made by filing a written notice of appeal with the city clerk within ten days after the equalization of the assessments by the council. The notice of appeal shall describe the property and the objections of such appellant to such assessment.

The appellant shall also file with the clerk of the superior court within ten days from the time of taking the appeal a copy of the notice of appeal together with a copy of the assessment roll and proceedings thereon, certified by the city clerk and a bond to the city conditioned to pay all costs that may be awarded against appellant in such sum not less than two hundred dollars and with such security as shall be approved by the clerk of the court.

The case shall be docketed by the clerk of the court in the name of the person taking the appeal as plaintiff and the city as defendant. The cause shall then be at issue and shall be tried immediately by the court as in the case of equitable causes; no further pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment insofar as the same affects the property of the appellant. Appeal shall lie to the supreme court as in other causes.

**35.55.090 Lien—Collection of assessments.** From and after the equalization of the roll, the several assessments therein shall become a lien upon the real estate described therein and shall remain a lien until paid. The assessment lien shall take precedence of all other liens against such property, except the lien of general taxes. The



assessments shall be collected by the same officers and enforced in the same manner as provided by law for the collection and enforcement of local assessments for street improvements. All of the provisions of laws and ordinances relative to the enforcement and collection of local assessments for street improvements shall be applicable to these assessments.

**35.55.100 Interest on assessments.** The local assessments shall bear interest at such rate as may be fixed by the council, not exceeding the rate of eight percent per annum from and after the expiration of thirty days after the equalization of the assessment roll and shall bear such interest after delinquency as may be provided by general ordinance of the city.

**35.55.110 Payment of cost of improvement—Interest on warrants.** If the improvement contemplated by this chapter is ordered to be made upon the immediate payment plan, the city council shall provide for the payment thereof by the issuance of local improvement fund warrants against the local improvement district, which warrants shall be paid only out of the funds derived from the local assessments in the district and shall bear interest at the rate of eight percent per annum from date of issuance. If the improvement is ordered to be made upon the bond installment plan, the city council shall provide for the issuance of bonds against the improvement district.

**35.55.120 Local improvement bonds—Terms.** The city council shall have full authority to provide for the issuance of bonds against the improvement district fund in such denominations as the city council may provide which shall bear such rate of interest as the city council may fix, not exceeding, however, eight percent per annum. Interest shall be paid annually and the bonds shall become due and payable at such time, not exceeding ten years from the date thereof, as may be fixed by the council and shall be payable out of the local assessment district fund.

If so ordered by the council, the bonds may be issued in such a way that different numbers of the bonds may become due and payable at different intervals of time, or they may be so issued that all of the bonds against said district mature together.

**35.55.130 Local improvement bonds—Guaranties.** The city may guarantee the payment of the whole or any part of the bonds issued against a local improvement district, but the guaranties on the part of the city, other than a city operating under the council-manager form or the commission form, shall be made only by ordinance passed by the vote of not less than nine councilmen and the approval of the mayor in cities of the second class, and six council-

men and approval of the mayor in cities of the third class. In a city under the council-manager form of government, such guaranties shall be made only in an ordinance passed by a vote of three out of five or five out of seven councilmen, as the case may be, and approval of the mayor. In a city under the commission form of government, such guaranties shall be made only in an ordinance passed by a vote of two out of three of the commissioners. The mayor's approval shall not be necessary in commission form cities.

**35.55.140 Local improvement bonds and warrants—Sale to pay damages, preliminary financing.** The city council may negotiate sufficient warrants or bonds against any local improvement district at a price not less than ninety-five percent of their par value to raise sufficient money to pay any and all compensation which may be awarded for property damaged or taken in the eminent domain proceedings including the costs of such proceedings. In lieu of so doing, the city council may negotiate current or general expense fund warrants at par to raise funds for the payment of such compensation and expenses in the first instance, but in that event the current or general expense fund shall be reimbursed out of the first moneys collected in any such local assessment district or realized from the negotiation or sale of local improvement warrants or bonds.

**35.55.150 Local improvement fund—Investment.** If money accumulates in an improvement fund and is likely to lie idle awaiting the maturity of the bonds against the district, the city council, under proper safeguards, may invest it temporarily, or may borrow it temporarily, at a reasonable rate of interest, but when so invested or borrowed, the city shall be responsible and liable for the restoration to such fund of the money so invested or borrowed with interest thereon, whenever required for the redemption of bonds maturing against such district.

**35.55.160 Letting contract for improvement—Excess or deficiency of fund.** The contract for the making of the improvement may be let either before or after the making up of the equalization of the assessment roll, and warrants, or bonds may be issued against the local improvement district fund either before or after the equalization of the roll as in the judgment of the council may best subserve the public interest.

If, after the assessment roll is made up and equalized, based in whole or in part upon an estimate of the cost of the improvement, and it is found that the estimate was too high, the excess shall be rebated pro rata to the property owners on the assessment roll, the rebates to be deducted from the last installment, or installments, when the assessment is upon the installment plan.

If it is found that the estimated cost was too low and that the actual bona fide cost of the improvement is greater than the estimate, the city council, after due notice and a hearing, as in case of the original equalization of the roll, may add the required additional amount to the assessment roll to be apportioned among the several parcels of property upon the same rules and principles as if it had been originally included, except that the additional amount shall be added to the last installment of an assessment if assessments are payable upon the installment plan. The same notice shall be required for adding to the assessment roll in this manner as is required for the original equalization of the roll, and the property owner shall have the right of appeal.

**35.55.170 Payment of contractor—Bonds, warrants, cash.** The city council may provide in letting the contract for an improvement, that the contractor shall accept special fund warrants or local improvement bonds against the local improvement district within which such improvement is to be made, in payment for the contract price of the work, and that the warrants or bonds may be issued to the contractor from time to time as the work progresses, or the city council may negotiate the special fund warrants or bonds against the local improvement district at not less than ninety-five cents in money for each dollar of warrants or bonds, and with the proceeds pay the contractor for the work and pay the other costs of such improvement.

**35.55.180 Reassessments.** If any assessment is found to be invalid for any cause or if it is set aside for any reason in judicial proceeding, a reassessment may be made and all laws relative to the reassessment of local assessments, for street or other improvements, shall, as far as practicable, be applicable hereto.

**35.55.190 Provisions of chapter not exclusive.** The provisions of this chapter shall not be construed as repealing or in any wise affecting any existing laws relative to the making of any such improvements, but shall be considered as concurrent therewith.

## Chapter 35.56

### LOCAL IMPROVEMENTS—FILLING AND DRAINING LOWLANDS—WATERWAYS

**35.56.010 Authority—First, second and third class cities.** If the city council or commission of any city of the first, second or third class in this state deems it necessary or expedient on account of the public health, sanitation, the general welfare, or other cause, to fill or raise the grade or elevation of any marshlands, swamp-

lands, tidelands or lands commonly known as tideflats, or any other lands situated within the limits of such city and to clear and prepare said lands for such filling it may do so by proceeding in accordance with the provisions of this chapter.

For the purpose of filling and raising the grade or elevation of such lands and to secure material therefor and to provide for the proper drainage thereof after such fill has been effected, the city council or commission may acquire rights of way (and where necessary or desirable, may vacate, use and appropriate streets and alleys for such purposes) and lay out, build, construct and maintain over and across such lowlands, canals or artificial waterways of at least sufficient width, depth and length to provide and afford the quantity of earth, dirt and material required to complete such fill, and with the earth, dirt and material removed in digging and constructing such canals and waterways, fill and raise the grade or elevation of such marshlands, swamplands, tidelands or tideflats; and such canals or waterways shall be constructed of such width and depth (provided that all the earth, dirt and other suitable material removed in constructing the same shall be used to fill the lowlands as herein provided) as will make them available, convenient and suitable to provide water frontage for landings, wharves and other conveniences of navigation and commerce for the use and benefit of the city and the public. If canals or waterways are to be constructed as herein provided, such city may construct and maintain the necessary bridges over and across the same; such canals or waterways shall be forever under the control of such city and shall be and become public thoroughfares and waterways for the use and benefit of commerce, shipping, the city and the public generally.

The expense of making such improvement and in doing, accomplishing and effecting all the work provided for in this chapter including the cost of making compensation for property taken or damaged, and all other cost and expense incidental to such improvement, shall be assessed to the property benefited, except such amount of such expense as the city council or commission, in its discretion, may direct to be paid out of the current or general expense fund.

**35.56.020 Alternative methods of financing.** If the city council or commission desires to make any improvement authorized by the provisions of this chapter it shall provide therefor by ordinance and unless the ordinance provides that the improvement shall be paid for wholly or in part by special assessment upon the property benefited, compensation therefor shall be made from any general or special funds of the city applicable thereto. If the ordinance

provides that the improvement shall be paid for wholly or in part by special assessments upon property benefited, the proceedings for the making of such special assessment shall be as hereafter provided.

**35.56.030 Boundaries—Excepted property.** Such ordinance shall specify the boundaries of the proposed improvement district and shall describe the lands which it is proposed to assess for said improvement, and shall provide for the filling of such lowlands and shall outline the general scheme or plan of such fill. If any parcel of land within the boundaries of such proposed improvement district prior to the initiation of the improvement has been wholly filled to the proposed grade or elevation of the proposed fill, such parcel of land may be excluded from the lands to be assessed when in the opinion of the city council or commission justice and equity require its exclusion. The boundaries of any improvement district may be altered so as to exclude land therefrom at any time up to the levying of the assessment but such changing of the boundaries shall be by ordinance.

**35.56.040 Conditions precedent to passage of ordinance—Protests.** Upon the introduction of an ordinance providing for such fill, if the city council or commission desires to proceed, it shall fix a time, not less than ten days, in which protests against said fill may be filed in the office of the city clerk. Thereupon it shall be the duty of the clerk of said city to publish in the official newspaper of said city in at least two consecutive issues thereof before the time fixed for the filing of protests, a notice of the time fixed for the filing of protests together with a copy of the proposed ordinance as introduced.

Protests against the proposed fill to be effective must be filed by the owners of more than half of the area of land situated within the proposed filling district exclusive of streets, alleys and public places on or before the date fixed for such filing. If an effective protest is filed the council shall not proceed further unless two-thirds of the members of the city council vote to proceed with the work; if the city is operating under a commission form of government composed of three commissioners, the commission shall not proceed further except by a unanimous affirmative vote of all the members thereof, if the commission is composed of five members, at least four affirmative votes thereof shall be necessary before proceeding.

If no effective protest is filed or if an effective protest is filed and two-thirds of the councilmen vote to proceed with the work or in cases where cities are operating under the commission form of government, the commissioners vote unanimously or four out of five commissioners vote to proceed with the work, the city council

or commission shall at such meeting or in a succeeding meeting proceed to pass the proposed ordinance for the work, with such amendments and modifications as to the said city council or commission of said city may seem proper. The local improvement district shall be called "filling district No. ...."

**35.56.050 Damages—Eminent domain.** If an ordinance is passed as in this chapter provided, and it appears that in making of the improvements so authorized, private property will be taken or damaged thereby within or without the city, the city shall file a petition in the superior court of the county in which such city is situated, in the name of the city, praying that just compensation be made for the property to be taken or damaged for the improvement specified in the ordinance and conduct proceedings in eminent domain in accordance with the statutes relating to cities for the ascertainment of the compensation to be made for the taking and damaging of property, except insofar as the same may be inconsistent with this chapter.

The filling of unimproved and uncultivated lowlands of the character mentioned in RCW 35.56.010 shall not be considered as a damaging or taking of such lands. The damage, if any, done to cultivated lands or growing crops thereon, or to buildings and other improvements situated within the district proposed to be filled shall be ascertained and determined in the manner above provided; but no damage shall be awarded to any property owner for buildings or improvements placed upon lands included within said district after the publication of the ordinance defining the boundaries of the proposed improvement district: *Provided*, That the city shall, after the passage of such ordinance, proceed with said improvement with due diligence.

If the improvement is to be made at the expense of the property benefited, no account shall be taken of benefits by the jury or court in assessing the amount of compensation to be made to the owner of any property within such district, but such compensation shall be assessed without regard to benefits to the end that said property for which damages may be so awarded, may be assessed the same as other property within the district for its just share and proportion of the expense of making said improvement, and the fact that compensation has been awarded for the damaging or taking of any parcel of land shall not preclude the assessment of such parcel of land for its just proportion of said improvement.

**35.56.060 Estimates—Plans and specifications.** At the time of the initiation of the proceedings for any improvement as contemplated by this chapter or at any time afterward, the city council or commission shall cause plans and specifications for said improve-

ment to be prepared and shall cause an estimate to be made of the cost and expense of making said improvement, including the cost of supervision and engineering, abstractor's fees, interest and discounts and all other expenses incidental to said improvement, including an estimate of the amount of damages for property taken or damaged, which plans, specifications and estimates shall be approved by the city council or commission.

**35.56.070 Assessment roll—Items—Assessment units—Installments.** When such plans and specifications shall have been prepared and the estimate of the cost and expense of making the improvement has been adopted by the council or commission and when an estimate has been made of the compensation to be paid for property damaged or taken, either before or after the compensation has been ascertained in the eminent domain proceedings, the city council or commission shall cause an assessment roll to be prepared containing a list of all the property within the improvement district which it is proposed to assess for the improvements together with the names of the owners, if known, and if unknown, the property shall be assessed to an unknown owner, and opposite each description shall be set the amount assessed to such description.

When so ordered by the city council or commission, the entire amount of compensation paid or to be paid for property damaged or taken, including all of the costs and expenses incidental to the condemnation proceedings together with the entire cost and expense of making the improvement may be assessed against the property within the district subject to assessment, but the city council or commission may order any portion of the costs paid out of the current or general expense fund of the city. The assessments shall be made according to and in proportion to surface area, one square foot of surface to be the unit of assessment: *Provided*, That where any parcel of land was wholly or partially filled by the owner prior to the initiation of the improvement an equitable deduction for such filling or partial filling may be allowed.

The cost and expense incidental to the filling of the streets, alleys and public places within said assessment district shall be borne by the private property within such district subject to assessment when so ordered by the city council or commission. When the assessments are payable in installments, the assessment roll when equalized shall show the number of installments and the amounts thereof. The assessment may be made payable in any number of equal annual installments not exceeding fifteen in number.

**35.56.080 Hearing on assessment roll—Notice—Council's authority.** When such assessment roll has been prepared it shall be filed in the office of the city clerk and thereupon the city clerk shall give

notice by publication in at least three issues of the official paper that such roll is on file in his office and on a date mentioned in said notice, which shall be at least twenty days after the date of the first publication thereof, the city council or commission will sit as a board of equalization to equalize said roll and to hear, consider and determine protests and objections against the same.

At the time specified in the notice, the city council or commission shall sit as a board of equalization to equalize the roll and they may adjourn the sitting from time to time until the equalization of such roll is completed. The city council or commission as such board of equalization may hear, consider and determine objections and protests against any assessment and make such alterations and modifications in the assessment roll as justice and equity may require.

**35.56.090 Hearing—Appeals.** Any person who has made objections to the assessment as equalized, shall have the right to appeal from the equalization as made by the city council or commission to the superior court of the county. The appeal shall be made by filing a written notice of appeal with the city clerk within ten days after the equalization of the assessments by the council or commission. The notice of appeal shall describe the property and the objections of such appellant to such assessment.

The appellant shall also file with the clerk of the superior court within ten days from the time of taking the appeal a copy of the notice of appeal together with a copy of the assessment roll and proceedings thereon, certified by the city clerk and a bond to the city conditioned to pay all costs that may be awarded against appellant in such sum not less than two hundred dollars, and with such security as shall be approved by the clerk of the court.

The case shall be docketed by the clerk of the court in the name of the person taking the appeal as plaintiff, and the city as defendant. The cause shall then be at issue and shall be tried immediately by the court as in the case of equitable causes; no further pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment insofar as the same affects the property of the appellant. An appeal shall lie to the supreme court as in other causes.

**35.56.100 Lien—Collection of assessments.** From and after the equalization of the roll, the several assessments therein shall become a lien upon the real estate described therein and shall remain a lien until paid. The assessment lien shall take precedence of all other liens against such property, except the lien of general taxes. The assessments shall be collected by the same officers and enforced in the same manner as provided by law for the collection and en-



forcement of local assessments for street improvements. All of the provisions of laws and ordinances relative to the guaranty, enforcement, and collection of local assessments for street improvements, including foreclosure in case of delinquency, shall be applicable to these assessments.

**35.56.110 Interest on assessments.** The local assessments shall bear interest at such rate as may be fixed by the council or commission, not exceeding the rate of eight percent per annum from and after the expiration of thirty days after the equalization of the assessment roll and shall bear such interest after delinquency as may be provided by general ordinance of the city.

**35.56.120 Payment of cost of improvement—Interest on warrants.** If the improvement contemplated by this chapter is ordered to be made upon the immediate payment plan, the city council or commission shall provide for the payment thereof by the issuance of local improvement fund warrants against the local improvement district, which warrants shall be paid only out of the funds derived from the local assessments in the district and shall bear interest at the rate of eight percent per annum from date of issuance. If the improvement is ordered to be made upon the bond installment plan the city council or commission shall provide for the issuance of bonds against the improvement district.

**35.56.130 Local improvement bonds—Terms.** The city council or commission shall have full authority to provide for the issuance of such bonds against the improvement district fund in such denominations as the city council or commission may provide, which shall bear such rate of interest as the city council or commission may fix, not exceeding, however, eight percent per annum. Interest shall be paid annually and the bonds shall become due and payable at such time, not exceeding fifteen years from the date thereof, as may be fixed by the said council or commission and shall be payable out of the assessment district funds.

If so ordered by the council or commission, the bonds may be issued in such a way that different numbers of the bonds may become due and payable at different intervals of time, or they may be so issued that all of the bonds against said district mature together. The city may reserve the right to call or mature any bond on any interest paying date when sufficient funds are on hand for its redemption; but bonds shall be called in numerical order.

**35.56.140 Local improvement bonds—Guaranties.** The city may guarantee the payment of the whole or any part of the bonds issued against a local improvement district, but the guaranties on the part of the city shall be made only by ordinance passed by the vote of

not less than two-thirds of the councilmen and the approval of the mayor, or three commissioners in case the governing body consist of three commissioners, or four where such city is governed by five commissioners.

**35.56.150 Local improvement bonds and warrants—Sale to pay damages—Preliminary financing.** The city council or commission may negotiate sufficient warrants or bonds against any local improvement district at a price not less than ninety-five percent of their par value to raise sufficient money to pay any and all compensation which may be awarded for property damaged or taken in the eminent domain proceedings, including the costs of such proceedings. In lieu of so doing, the city council or commission may negotiate current or general expense fund warrants at par to raise funds for the payment of such compensation and expenses in the first instance, but in that event the current or general expense fund shall be reimbursed out of the first moneys collected in any such local assessment district or realized from the negotiation or sale of local improvement warrants or bonds.

**35.56.160 Local improvement fund—Investment.** If money accumulates in an improvement fund and is likely to lie idle waiting the maturity of the bonds against the district, the city council or commission, under proper safeguards, may invest it temporarily, or may borrow it temporarily, at a reasonable rate of interest, but when so invested or borrowed, the city shall be responsible and liable for the restoration to such fund of the money so invested or borrowed with interest thereon, whenever required for the redemption of bonds maturing against such district.

**35.56.170 Letting contracts for improvement—Excess or deficiency of fund.** The contract for the making of the improvement may be let either before or after the making up of the equalization of the assessment roll, and warrants or bonds may be issued against the local improvement district fund either before or after the equalization of the roll as in the judgment of the council or commission may best subserve the public interest.

If after the assessment roll is made up and equalized, based in whole or in part upon an estimate of the cost of the improvement, and it is found that the estimate was too high, the excess shall be rebated pro rata to the property owners on the assessment roll, the rebates to be deducted from the last installment, or installments, when the assessment is upon the installment plan.

If it is found that the estimated cost was too low and that the actual bona fide cost of the improvement is greater than the estimate, the city council or commission after due notice and a hear-

ing, as in case of the original equalization of the roll, may add the required additional amount to the assessment roll to be apportioned among the several parcels of property upon the same rules and principles as if it had been originally included except that the additional amount shall be added to the last installment of an assessment if assessments are payable upon the installment plan. The same notice shall be required for adding to the assessment roll in this manner as is required for the original equalization of the roll, and the property owner shall have the right of appeal.

**35.56.180 Payment of contractor—Bonds—Warrants—Cash.** The city council or commission may provide in letting the contract for an improvement, that the contractor shall accept special fund warrants or local improvement bonds against the local improvement district within which such improvement is to be made, in payment for the contract price of the work, and that the warrants or bonds may be issued to the contractor from time to time as the work progresses, or the city council or commission may negotiate the special fund warrants or bonds against the local improvement district at not less than ninety-five cents in money for each dollar of warrants or bonds, and with the proceeds pay the contractor for the work and pay the other costs of such improvement.

**35.56.190 Tax levy—General—Purposes—Limit.** For the purpose of raising revenues to carry on any project under this chapter including funds for the payment for the lands taken, purchased, acquired or condemned and the expenses incident to the acquiring thereof, or any other cost or expenses incurred by the city under the provisions of this chapter but not including the cost of actually filling the lands for which the local improvement district was created, a city may levy an annual tax of not exceeding three mills on each dollar of assessed valuation of all property within the city. The city council or commission may create a fund into which all moneys so derived from taxation and moneys derived from rents and issues of the lands shall be paid and against which special fund warrants may be drawn or negotiable bonds issued to meet expenditures under this chapter.

**35.56.200 Waterways constructed—Requirements.** In the filling of any marshland, swampland, tideland or tideflats no canal or waterway shall be constructed in connection therewith less than three hundred feet wide at the top between the shore lines and with sufficient slope to the sides or banks thereof to as nearly as practicable render bulkheadings or other protection against caving or falling in of said sides or banks unnecessary and of sufficient depth to meet all ordinary requirements of navigation and commerce.

**35.56.210 Waterways constructed—Control.** The canal or waterway shall be and remain under the control of the city and immediately upon its completion the city shall establish outer dock lines lengthwise of said canal or waterway on both sides thereof in such manner and position that not less than two hundred feet of the width thereof shall always remain open between such lines and beyond and between which lines no right shall ever be granted to build wharves or other obstructions except bridges; nor shall any permanent obstruction to the free use of the channel so laid out between said wharf or dock lines excepting bridges, their approaches, piers, abutments and spans, ever be permitted but the same shall be kept open for navigation.

**35.56.220 Waterways constructed—Leasing facilities.** The city shall have the right to lease the area so created between the said shore lines and the wharf lines so established or any part, parts or parcels thereof during times when the use thereof is not required by the city, for periods not exceeding thirty years, to private individuals or concerns for wharf, warehouse or manufacturing purposes at such annual rate or rental per lineal foot of frontage on the canal or waterway as it may deem reasonable.

The rates of wharfage, and other charges to the public which any lessee may impose shall be reasonable; and the city council or commission may regulate such rates. The lease so granted by the city shall never be transferred or assigned without the consent of the city council or commission having been first obtained.

A city shall never lease to any individual or concern more than four hundred lineal feet of frontage of the area lying between the shore lines and the dock lines and no individual or concern shall ever hold or occupy by lease, sublease or otherwise more than the said four hundred lineal feet of frontage of such area: *Provided*, That any individual or concern may acquire by lease or sublease whatever additional number of lineal feet of frontage of such area may in the judgment of the city council or commission be necessary for the use of such individual or concern, upon petition therefor to the city council or commission signed by not less than five hundred resident freeholders of the city.

**35.56.230 Waterway shoreline front—Lessee must lease abutting property.** If the city owns the land abutting upon any part of the area between the shore lines and dock lines, no portion of the area which has city owned property abutting upon it shall ever be leased unless an equal frontage of the abutting property immediately adjoining it is leased at the same time for the same period to the same individual or concern.

**35.56.240 Waterways constructed—Acquisition of abutting property.** While acquiring the rights of way for such canals or waterways or at any time thereafter, such city may acquire for its own use and public use by purchase, gift, condemnation or otherwise, and pay therefor by any lawful means including but not restricted to payment out of the current expense fund of such city or by bonding the city or by pledging revenues to be derived from rents and issues therefrom, lands abutting upon the shore lines or right-of-way of such canals or waterways to a distance, depth or width of not more than three hundred feet back from the banks or shore lines of such canals or waterways on either side or both sides thereof. or not more than three hundred lineal feet back from and abutting on the outer lines of such rights-of-way on either side or both sides of such rights-of-way, and such area of such abutting lands as the council or commission may deem necessary for its use for public docks, bridges, wharves, streets and other conveniences of navigation and commerce and for its own use and benefit generally.

**35.56.250 Waterways—Abutting city owned lands—Lease of.** If the city is not using the abutting lands so acquired it may lease any parcels thereof as may be deemed for the best interest and convenience of navigation, commerce and the public interest and welfare to private individuals or concerns for terms not exceeding thirty years each at such annual rate or rental as the city council or commission of such city may deem just, proper and fair, for the purpose of erecting wharves for wholesale and retail warehouses and for general commercial purposes and manufacturing sites, but the said city shall never convey or part with title to the abutting lands above mentioned and so acquired nor with the control other than in the manner herein specified. Any lease or leases granted by the city on such abutting lands shall never be transferred or assigned without the consent of the city council or commission having been first obtained.

A city shall never lease to any individual or concern more than four hundred lineal feet of canal or waterway frontage of said land and no individual or concern shall ever hold or occupy by lease, sublease, or otherwise more than the said four hundred lineal feet of said frontage: *Provided*, That any individual or concern may acquire by lease or sublease whatever additional frontage of such abutting land may be in the judgment of the city council or commission necessary for the use of such individual or concern, upon petition presented to the city council or commission therefor signed by not less than five hundred resident freeholders of such city.

**35.56.260 Waterways—Abutting lands—Lessee must lease shoreline property.** At the time that the city leases to any individual or

concern any of the land abutting on the area between the shore lines and the dock lines the same individual or concern must likewise for the same period of time lease all of the area between the shore line and dock line of such canal or waterway lying contiguous to and immediately in front of the abutting land so leased.

**35.56.270 Work by day labor.** When a city undertakes any improvement authorized by this chapter and the expenditures required exceed the sum of five hundred dollars, it shall be done by contract and shall be let to the lowest responsible bidder, after due notice, under such regulation as may be prescribed by ordinance: *Provided*, That the city council or commission may reject all bids presented and readvertise, or, if in the judgment of the city council or commission the work can be performed, or supplies or materials furnished by the city independent of contract, cheaper than under the bid submitted, it may after having so advertised and examined the bids, cause the work to be performed or supplies or materials to be furnished independent of contract. This section shall be construed as a concurrent and cumulative power conferred on cities and shall not be construed as in any wise repealing or affecting any law now in force relating to the performing, execution and construction of public works.

**35.56.280 Reassessments.** If any assessment is found to be invalid for any cause or if it is set aside for any reason in judicial proceeding, a reassessment may be made and all laws then in force relative to the reassessment of local assessments, for street or other improvements, shall, as far as practical, be applicable hereto.

**35.56.290 Provisions of chapter not exclusive.** The provisions of this chapter shall not be construed as repealing or in any wise affecting other existing laws relative to the making of any such improvements but shall be considered as concurrent therewith.

## Chapter 35.58

### METROPOLITAN MUNICIPAL CORPORATIONS

**35.58.010 Declaration of policy and purpose.** It is hereby declared to be the public policy of the state of Washington to provide for the people of the populous metropolitan areas in the state the means of obtaining essential services not adequately provided by existing agencies of local government. The growth of urban population and the movement of people into suburban areas has created problems of sewage and garbage disposal, water supply, transportation, planning, parks and parkways which extend beyond the boundaries of cities, counties and special districts. For reasons of

topography, location and movement of population, and land conditions and development, one or more of these problems cannot be adequately met by the individual cities, counties and districts of many metropolitan areas.

It is the purpose of this chapter to enable cities and counties to act jointly to meet these common problems in order that the proper growth and development of the metropolitan areas of the state may be assured and the health and welfare of the people residing therein may be secured.

**35.58.020 Definitions.** As used herein:

(1) "Metropolitan municipal corporation" means a municipal corporation of the state of Washington created pursuant to this chapter.

(2) "Metropolitan area" means the area contained within the boundaries of a metropolitan municipal corporation, or within the boundaries of an area proposed to be organized as such a corporation.

(3) "City" means an incorporated city or town.

(4) "Component city" means an incorporated city or town within a metropolitan area.

(5) "Component county" means a county, all or part of which is included within a metropolitan area.

(6) "Central city" means the city with the largest population in a metropolitan area.

(7) "Central county" means the county containing the city with the largest population in a metropolitan area.

(8) "Special district" means any municipal corporation of the state of Washington other than a city, county, or metropolitan municipal corporation.

(9) "Metropolitan council" means the legislative body of a metropolitan municipal corporation.

(10) "City council" means the legislative body of any city or town.

(11) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made under the direction of the state census board.

(12) "Metropolitan function" means any of the functions of government named in RCW 35.58.050.

(13) "Authorized metropolitan function" means a metropolitan function which a metropolitan municipal corporation shall have been authorized to perform in the manner provided in this chapter.

**35.58.030 Corporations authorized.** Any area of the state containing two or more cities, at least one of which is a city of the

first class, may organize as a metropolitan municipal corporation for the performance of certain functions, as provided in this chapter.

**35.58.040 Territory which must be included or excluded.** No metropolitan municipal corporation shall include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such corporation. No territory shall be included within the boundaries of more than one metropolitan municipal corporation.

**35.58.050 Functions authorized.** A metropolitan municipal corporation shall have the power to perform any one or more of the following functions, when authorized in the manner provided in this chapter:

- (1) Metropolitan sewage disposal.
- (2) Metropolitan water supply.
- (3) Metropolitan public transportation.
- (4) Metropolitan garbage disposal.
- (5) Metropolitan parks and parkways.
- (6) Metropolitan comprehensive planning.

**35.58.060 Unauthorized functions to be performed under other law.** All functions of local government which are not authorized as provided in this chapter to be performed by a metropolitan municipal corporation, shall continue to be performed by the counties, cities and special districts within the metropolitan area as provided by law.

**35.58.070 Resolution, petition for election—Requirements, procedure.** A metropolitan municipal corporation may be created by vote of the qualified electors residing in a metropolitan area in the manner provided in this chapter. An election to authorize the creation of a metropolitan municipal corporation may be called pursuant to resolution or petition in the following manner:

(1) A resolution or concurring resolutions calling for such an election may be adopted by either:

- (a) The city council of a central city; or
- (b) The city councils of two or more component cities other than a central city; or
- (c) The board of commissioners of a central county.

A certified copy of such resolution or certified copies of such concurring resolutions shall be transmitted to the board of commissioners of the central county.

(2) A petition calling for such an election shall be signed by at least four percent of the qualified voters residing within the metropolitan area and shall be filed with the auditor of the central county.

Any resolution or petition calling for such an election shall describe the boundaries of the proposed metropolitan area, name



the metropolitan function or functions which the metropolitan municipal corporation shall be authorized to perform initially and state that the formation of the metropolitan municipal corporation will be conducive to the welfare and benefit of the persons and property within the metropolitan area. After the filing of a first sufficient petition or resolution with such county auditor or board of county commissioners respectively, action by such auditor or board shall be deferred on any subsequent petition or resolution until after the election has been held pursuant to such first petition or resolution.

Upon receipt of such a petition, the auditor shall examine the same and certify to the sufficiency of the signatures thereon. For the purpose of examining the signatures on such petition, the auditor shall be permitted access to the voter registration books of each component county and each component city. No person may withdraw his name from a petition after it has been filed with the auditor. Within thirty days following the receipt of such petition, the auditor shall transmit the same to the board of commissioners of the central county, together with his certificate as to the sufficiency thereof.

**35.58.080 Hearings on petition, resolution—Inclusion, exclusion of territory—Boundaries—Calling election.** Upon receipt of a duly certified petition or a valid resolution calling for an election on the formation of a metropolitan municipal corporation, the board of commissioners of the central county shall fix a date for a public hearing thereon which shall be not more than sixty nor less than forty days following the receipt of such resolution or petition. Notice of such hearing shall be published once a week for at least four consecutive weeks in one or more newspapers of general circulation within the metropolitan area. The notice shall contain a description of the boundaries of the proposed metropolitan area, shall name the initial metropolitan function or functions and shall state the time and place of the hearing and the fact that any changes in the boundaries of the metropolitan area will be considered at such time and place. At such hearing or any continuation thereof, any interested person may appear and be heard on all matters relating to the effect of the formation of the proposed municipal metropolitan corporation. The commissioners may make such changes in the boundaries of the metropolitan area as they shall deem reasonable and proper, but may not delete any portion of the proposed area which will create an island of included or excluded lands, may not delete a portion of any city, and may not delete any portion of the proposed area which is contributing or may reasonably be expected to contribute to the pollution of any water course or body of water in the proposed area when the petition or resolution names metropolitan sewage disposal as a function to be performed

by the proposed metropolitan municipal corporation. If the commissioners shall determine that any additional territory should be included in the metropolitan area, a second hearing shall be held and notice given in the same manner as for the original hearing. The commissioners may adjourn the hearing on the formation of a metropolitan municipal corporation from time to time not exceeding thirty days in all. At the next regular meeting following the conclusion of such hearing the commissioners shall adopt a resolution fixing the boundaries of the proposed metropolitan municipal corporation, declaring that the formation of the proposed metropolitan municipal corporation will be conducive to the welfare and benefit of the persons and property therein and providing for the calling of a special election on the formation of the metropolitan municipal corporation to be held not more than one hundred twenty days nor less than sixty days following the adoption of such resolution.

**35.58.090 Election procedure to form corporation and levy tax—Qualified voters—Establishment of corporation—First meeting of council.** The election on the formation of the metropolitan municipal corporation shall be conducted by the auditor of the central county in accordance with the general election laws of the state and the results thereof shall be canvassed by the county canvassing board of the central county, which shall certify the result of the election to the board of county commissioners of the central county, and shall cause a certified copy of such canvass to be filed in the office of the secretary of state. Notice of the election shall be published in one or more newspapers of general circulation in each component county in the manner provided in the general election laws. No person shall be entitled to vote at such election unless he is a qualified voter under the laws of the state in effect at the time of such election and has resided within the metropolitan area for at least thirty days preceding the date of the election. The ballot proposition shall be in substantially the following form:

“FORMATION OF METROPOLITAN  
MUNICIPAL CORPORATION

“Shall a metropolitan municipal corporation be established for the area described in a resolution of the board of commissioners of ..... county adopted on the ..... day of ....., 19....., to perform the metropolitan functions of ..... (here insert the title of each of the functions to be authorized as set forth in the petition or initial resolution).

YES .....   
NO .....

If a majority of the persons voting on the proposition residing within the central city shall vote in favor thereof and a majority of the persons voting on the proposition residing in the metropolitan area outside of the central city shall vote in favor thereof, the metropolitan municipal corporation shall thereupon be established and the board of commissioners of the central county shall adopt a resolution setting a time and place for the first meeting of the metropolitan council which shall be held not later than thirty days after the date of such election. A copy of such resolution shall be transmitted to the legislative body of each component city and county and of each special district which shall be affected by the particular metropolitan functions authorized.

At the same election there shall be submitted to the voters residing within the metropolitan area, for their approval or rejection, a proposition authorizing the metropolitan municipal corporation, if formed, to levy at the earliest time permitted by law on all taxable property located within the metropolitan municipal corporation a general tax, for one year, of one mill in excess of any constitutional or statutory limitation for authorized purposes of the metropolitan municipal corporation. The proposition shall be expressed on the ballots in substantially the following form:

“ONE YEAR ONE MILL LEVY

“Shall the metropolitan municipal corporation, if formed, levy a general tax of one mill for one year upon all the taxable property within said corporation in excess of the forty mill tax limit for authorized purposes of the corporation?

YES .....   
 NO ..... ”

Such proposition to be effective must be approved by a majority of at least three-fifths of the persons voting on the proposition to levy such tax and the number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in the area of the proposed metropolitan municipal corporation at the last preceding county or state general election.

**35.58.100 Additional functions — Authorized by election.** A metropolitan municipal corporation may be authorized to perform one or more metropolitan functions in addition to those which it has previously been authorized to perform, with the approval of the voters at an election, in the manner provided in this section.

An election to authorize a metropolitan municipal corporation to perform one or more additional metropolitan functions may be called pursuant to a resolution or a petition in the following manner:

- (1) A resolution calling for such an election may be adopted by:

- (a) The city council of the central city; or
- (b) The city councils of two or more component cities other than a central city; or
- (c) The board of commissioners of the central county. Such resolution shall be transmitted to the metropolitan council.

(2) A petition calling for such an election shall be signed by at least four percent of the registered voters residing within the metropolitan area and shall be filed with the auditor of the central county.

Any resolution or petition calling for such an election shall name the additional metropolitan functions which the metropolitan municipal corporation shall be authorized to perform.

Upon receipt of such a petition, the auditor shall examine the signatures thereon and certify to the sufficiency thereof. For the purpose of examining the signatures on such petition, the auditor shall be permitted access to all voter registration books of any component county and of all component cities. No person may withdraw his name from a petition after it has been filed with the auditor. Within thirty days following the receipt of such petition, the auditor shall transmit the same to the metropolitan council, together with his certificate as to the sufficiency of signatures thereon.

Upon receipt of a valid resolution or duly certified petition calling for an election on the authorization of the performance of one or more additional metropolitan functions, the metropolitan council shall cause to be called a special election to be held not more than one hundred and twenty days nor less than sixty days following such receipt. Such special election shall be conducted and canvassed as provided in this chapter for an election on the question of forming a metropolitan municipal corporation. The ballot proposition shall be in substantially the following form:

"Shall the ..... metropolitan municipal corporation be authorized to perform the additional metropolitan functions of ..... (here insert the title of each of the additional functions to be authorized as set forth in the petition or resolution)?

YES .....

NO .....

If a majority of the persons voting on the proposition shall vote in favor thereof, the metropolitan municipal corporation shall be authorized to perform such additional metropolitan function or functions.

**35.58.110 Additional functions—Authorized without election.** A metropolitan municipal corporation may be authorized to perform one or more metropolitan functions in addition to those which it previously has been authorized to perform, without an election, in

the manner provided in this section. A resolution providing for the performance of such additional metropolitan function or functions shall be adopted by the metropolitan council. A copy of such resolution shall be transmitted by registered mail to the legislative body of each component city and county. If, within ninety days after the date of such mailing, a concurring resolution is adopted by the legislative body of each component county, of each component city of the first class, and of at least two-thirds of all other component cities, and such concurring resolutions are transmitted to the metropolitan council, such council shall by resolution declare that the metropolitan municipal corporation has been authorized to perform such additional metropolitan function or functions. A copy of such resolution shall be transmitted by registered mail to the legislative body of each component city and county and of each special district which will be affected by the particular additional metropolitan function authorized.

**35.58.120 Metropolitan council — Composition — Chairman.** A metropolitan municipal corporation shall be governed by a metropolitan council composed of the following:

(1) One member selected by, and from, the board of commissioners of each component county;

(2) One additional member selected by the board of commissioners of each component county for each county commissioner district containing twenty thousand or more persons residing in the unincorporated portion of such commissioner district lying within the metropolitan municipal corporation who shall be a resident of such unincorporated portion: *Provided*, That one additional member shall be selected by and from, the board of county commissioners for each county commissioner district containing less than twenty thousand persons in its unincorporated area.

(3) One member who shall be the mayor of the central city.

(4) One member from each of the three largest component cities containing a population of ten thousand or more other than the central city, selected by, and from, the mayor and city council of each of such cities.

(5) One member representing all component cities other than the four largest cities with a population of ten thousand or more, to be selected from the mayors and city councils of such smaller cities by the mayors of such cities in the following manner: The mayors of all such cities shall meet on the second Tuesday following the establishment of a metropolitan municipal corporation and thereafter on the third Tuesday in June of each even-numbered year at two o'clock p.m. at the office of the board of county commissioners of the central county. The chairman of such board shall preside.

After nominations are made, successive ballots shall be taken until one candidate receives a majority of all votes cast.

(6) One member selected by, and from, the city council of the central city.

(7) One member selected by, and from, the city council of each component city containing a population of fifty thousand or more.

(8) One additional member selected by and from the city council of each component city containing a population of one hundred thousand or more.

(9) One additional member selected by, and from, the city council of each component city containing a population of one hundred thousand or more for each one hundred thousand population over and above the first one hundred thousand.

(10) One member, who shall be chairman of the metropolitan council, selected by the other members of the council. He shall not hold any public office other than that of notary public or member of the military forces of the United States or of the state of Washington not on active duty.

**35.58.130 ————Organization, chairman, procedures.** At the first meeting of the metropolitan council following the formation of a metropolitan municipal corporation, the mayor of the central city shall serve as temporary chairman. As its first official act the council shall elect a chairman. The chairman shall be a voting member of the council and shall preside at all meetings. In the event of his absence or inability to act the council shall select one of its members to act as chairman pro tempore. A majority of all members of the council shall constitute a quorum for the transaction of business. A smaller number of council members than a quorum may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as the council may provide. The council shall determine its own rules and order of business, shall provide by resolution for the manner and time of holding all regular and special meetings and shall keep a journal of its proceedings which shall be a public record. Every legislative act of the council of a general or permanent nature shall be by resolution.

**35.58.140 ————Terms.** Each member of a metropolitan council except those selected under the provisions of RCW 35.58.120 (3), (5) and (10), shall hold office at the pleasure of the body which selected him. Each member, who shall hold office ex officio, may not hold office after he ceases to hold the position of mayor, commissioner, or councilman. The chairman shall hold office until the second Tuesday in July of each even-numbered year and may, if

reelected, serve more than one term. Each member shall hold office until his successor has been selected as provided in this chapter.

**35.58.150 ————Vacancies.** A vacancy in the office of a member of the metropolitan council shall be filled in the same manner as provided for the original selection. The meeting of mayors to fill a vacancy of the member selected under the provisions of RCW 35.58.120(5) shall be held at such time and place as shall be designated by the chairman of the metropolitan council after ten days' written notice mailed to the mayors of each of the cities specified in RCW 35.58.120(5).

**35.58.160 ————Compensation.** The chairman of the metropolitan council shall receive such compensation as the other members of the metropolitan council shall provide. Members of the council other than the chairman shall receive compensation for attendance at metropolitan council or committee meetings of twenty-five dollars per diem but not exceeding a total of two hundred dollars in any one month, in addition to any compensation which they may receive as officers of component cities or counties: *Provided*, That elected public officers serving in such capacities on a full time basis shall not receive compensation for attendance at metropolitan council or committee meetings. All members of the council shall be reimbursed for expenses actually incurred by them in the conduct of official business for the metropolitan municipal corporation.

**35.58.170 Corporation name and seal.** The name of a metropolitan municipal corporation shall be established by its metropolitan council. Each metropolitan municipal corporation shall adopt a corporate seal containing the name of the corporation and the date of its formation.

**35.58.180 General powers of corporation.** In addition to the powers specifically granted by this chapter a metropolitan municipal corporation shall have all powers which are necessary to carry out the purposes of the metropolitan municipal corporation and to perform authorized metropolitan functions. A metropolitan municipal corporation may contract with the United States or any agency thereof, any state or agency thereof, any other metropolitan municipal corporation, any county, city, special district, or governmental agency for the operation by such entity of any facility or the performance of any service which the metropolitan municipal corporation may be authorized to operate or perform, on such terms as may be agreed upon by the contracting parties.

A metropolitan municipal corporation may sue and be sued in its corporate capacity in all courts and in all proceedings.

**35.58.190 Performance of function or functions — Commencement date.** The metropolitan council shall provide by resolution the effective date on which the metropolitan municipal corporation will commence to perform any one or more of the metropolitan functions which it shall have been authorized to perform.

**35.58.200 Powers relative to sewage disposal.** If a metropolitan municipal corporation shall be authorized to perform the function of a metropolitan sewage disposal, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare a comprehensive sewage disposal and storm water drainage plan for the metropolitan area.

(2) To acquire by purchase, condemnation, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of metropolitan facilities for sewage disposal and storm water drainage within or without the metropolitan area, including trunk, interceptor and outfall sewers, whether used to carry sanitary waste, storm water, or combined storm and sanitary sewage, lift and pumping stations, sewage treatment plants, together with all lands, properties, equipment and accessories necessary for such facilities. Sewer facilities which are owned by a city or special district may be acquired or used by the metropolitan municipal corporation only with the consent of the legislative body of the city or special districts owning such facilities. Cities and special districts are hereby authorized to convey or lease such facilities to metropolitan municipal corporations or to contract for their joint use on such terms as may be fixed by agreement between the legislative body of such city or special district and the metropolitan council, without submitting the matter to the voters of such city or district.

(3) To require counties, cities, special districts and other political subdivisions to discharge sewage collected by such entities from any portion of the metropolitan area into such metropolitan facilities as may be provided to serve such areas when the metropolitan council shall declare by resolution that the health, safety, or welfare of the people within the metropolitan area requires such action.

(4) To fix rates and charges for the use of metropolitan sewage disposal and storm water drainage facilities.

(5) To establish minimum standards for the construction of local sewer facilities and to approve plans for construction of such facilities by component counties or cities or by special districts wholly or partly within the metropolitan area. No such county, city, or special district shall construct such facilities without first securing such approval.



(6) To acquire by purchase, condemnation, gift, or grant, to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of facilities for the local collection of sewage or storm water in portions of the metropolitan area not contained within any city or sewer district and, with the consent of the legislative body of any city or sewer district, to exercise such powers within such city or sewer district and for such purpose to have all the powers conferred by law upon such city or sewer district with respect to such local collection facilities. All costs of such local collection facilities shall be paid for by the area served thereby.

**35.58.210 Metropolitan sewer advisory committee.** If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan sewage disposal, the metropolitan council shall, prior to the effective date of the assumption of such function, cause a metropolitan sewer advisory committee to be formed by notifying the legislative body of each component city which operates a sewer system to appoint one person to serve on such advisory committee and the board of commissioners of each sewer district, any portion of which lies within the metropolitan area, to appoint one person to serve on such committee who shall be a sewer district commissioner. The metropolitan sewer advisory committee shall meet at the time and place provided in the notice and elect a chairman. The members of such committee shall serve at the pleasure of the appointing bodies and shall receive no compensation other than reimbursement for expenses actually incurred in the performance of their duties. The function of such advisory committee shall be to advise the metropolitan council in matters relating to the performance of the sewage disposal function.

**35.58.220 Powers relative to water supply.** If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan water supply, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare a comprehensive plan for the development of sources of water supply, trunk supply mains and water treatment and storage facilities for the metropolitan area.

(2) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of metropolitan facilities for water supply within or without the metropolitan area, including buildings, structures, water sheds, wells, springs, dams, settling basins, intakes, treatment plants, trunk supply mains and pumping stations, together with all lands, property, equipment and accessories necessary to enable the metropolitan municipal corporation to obtain and develop sources of water supply, treat and store water and deliver

water through trunk supply mains. Water supply facilities which are owned by a city or special district may be acquired or used by the metropolitan municipal corporation only with the consent of the legislative body of the city or special district owning such facilities. Cities and special districts are hereby authorized to convey or lease such facilities to metropolitan municipal corporations or to contract for their joint use on such terms as may be fixed by agreement between the legislative body of such city or special district and the metropolitan council, without submitting the matter to the voters of such city or district.

(3) To fix rates and charges for water supplied by the metropolitan municipal corporation.

(4) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of facilities for the local distribution of water in portions of the metropolitan area not contained within any city or water district and, with the consent of the legislative body of any city or water district, to exercise such powers within such city or water district and for such purpose to have all the powers conferred by law upon such city or water district with respect to such local distribution facilities. All costs of such local distribution facilities shall be paid for by the area served thereby.

**35.58.230 Metropolitan water advisory committee.** If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan water supply, the metropolitan council shall, prior to the effective date of the assumption of such function, cause a metropolitan water advisory committee to be formed by notifying the legislative body of each component city which operates a water system to appoint one person to serve on such advisory committee and the board of commissioners of each water district, any portion of which lies within the metropolitan area, to appoint one person to serve on such committee who shall be a water district commissioner. The metropolitan water advisory committee shall meet at the time and place provided in the notice and elect a chairman. The members of such committee shall serve at the pleasure of the appointing bodies and shall receive no compensation other than reimbursement for expenses actually incurred in the performance of their duties. The function of such advisory committee shall be to advise the metropolitan council with respect to matters relating to the performance of the water supply function.

**35.58.240 Powers relative to transportation.** If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan transportation, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare and develop a comprehensive plan for public transportation service which will best serve the residents of the metropolitan area.

(2) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of metropolitan transportation facilities within or without the metropolitan area, including systems of surface, underground or overhead railways, tramways, busses, or any other means of local transportation except taxis, and including passenger terminal and parking facilities, together with all lands, rights of way, property, equipment and accessories necessary for such systems and facilities. Public transportation facilities which are owned by any city may be acquired or used by the metropolitan municipal corporation only with the consent of the city council of the city owning such facilities. Cities are hereby authorized to convey or lease such facilities to metropolitan municipal corporations or to contract for their joint use on such terms as may be fixed by agreement between the city council of such city and the metropolitan council, without submitting the matter to the voters of such city.

(3) To fix rates and charges for the use of such facilities.

**35.58.250 Other local public passenger transportation service prohibited—Agreements—Purchase—Condemnation.** Except in accordance with an agreement made as provided herein, upon the effective date on which the metropolitan municipal corporation commences to perform the metropolitan transportation function, no person or private corporation shall operate a local public passenger transportation service within the metropolitan area with the exception of taxis, busses owned or operated by a school district or private school, and busses owned or operated by any corporation or organization solely for the purposes of the corporation or organization and for the use of which no fee or fare is charged.

An agreement may be entered into between the metropolitan municipal corporation and any person or corporation legally operating a local public passenger transportation service wholly within or partly within and partly without the metropolitan area and on said effective date under which such person or corporation may continue to operate such service or any part thereof for such time and upon such terms and conditions as provided in such agreement. Where any such local public passenger transportation service will be required to cease to operate within the metropolitan area, the commission may agree with the owner of such service to purchase the assets used in providing such service, or if no agreement can be reached, the commission shall condemn such assets in the manner provided herein for the condemnation of other properties.

Wherever a privately owned public carrier operates wholly or partly within a metropolitan municipal corporation, the Washington utilities and transportation commission shall continue to exercise jurisdiction over such operation as provided by law.

**35.58.260 Transportation function—Acquisition of city system.**

If a metropolitan municipal corporation shall be authorized to perform the metropolitan transportation function, it shall, upon the effective date of the assumption of such power, have and exercise all rights with respect to the construction, acquisition, maintenance, operation, extension, alteration, repair, control and management of passenger transportation which any component city shall have been previously empowered to exercise and such powers shall not thereafter be exercised by such component cities without the consent of the metropolitan municipal corporation: *Provided*, That any city owning and operating a public transportation system on such effective date may continue to operate such system within such city until such system shall have been acquired by the metropolitan municipal corporation and a metropolitan municipal corporation may not acquire such system without the consent of the city council of such city.

**35.58.270 Metropolitan transit commission.** If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan transportation, a metropolitan transit commission shall be formed prior to the effective date of the assumption of such function. Except as provided in this section, the metropolitan transit commission shall exercise all powers of the metropolitan municipal corporation with respect to metropolitan transportation facilities, including but not limited to the power to construct, acquire, maintain, operate, extend, alter, repair, control and manage a local public transportation system within and without the metropolitan area, to establish new passenger transportation services and to alter, curtail, or abolish any services which the commission may deem desirable, to fix tolls and fares, so that the revenue of the system shall be sufficient to meet all operating transportation costs but not necessarily sufficient to meet the cost of construction or acquisition of new facilities and depreciation of facilities, unless the commission shall elect to do so.

The metropolitan transit commission shall authorize expenditures for transportation purposes within the budget adopted by the metropolitan council. Bonds of the metropolitan municipal corporation for public transportation purposes shall be issued by the metropolitan council as provided in this chapter.

The metropolitan transit commission shall consist of five members appointed by the metropolitan council. Three members of the

first metropolitan transit commission shall be selected from the existing transit commission of the central city, if there be a transit commission in such city. The terms of first appointees shall be for one, two, three, four and five years, respectively. Thereafter, commissioners shall serve for a term of four years. Compensation of transit commissioners shall be determined by the metropolitan council.

**35.58.280 Powers relative to garbage disposal.** If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan garbage disposal, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare a comprehensive garbage disposal plan for the metropolitan area.

(2) To acquire by purchase, condemnation, gift, or grant, and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of metropolitan facilities for garbage disposal within or without the metropolitan area, including garbage disposal sites, central collection station sites, structures, machinery and equipment for the operation of central collection stations and for the hauling and disposal of garbage by any means, together with all lands, property, equipment and accessories necessary for such facilities. Garbage disposal facilities which are owned by a city or county may be acquired or used by the metropolitan municipal corporation only with the consent of the legislative body of the city or county owning such facilities. Cities and counties are hereby authorized to convey or lease such facilities to metropolitan municipal corporations or to contract for their joint use on such terms as may be fixed by agreement between the legislative body of such city or county and the metropolitan council, without submitting the matter to the voters of such city or county.

(3) To fix rates and charges for the use of metropolitan garbage disposal facilities.

(4) With the consent of any component city, to acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of facilities for the local collection of garbage within such city, and for such purpose to have all the powers conferred by law upon such city with respect to such local collection facilities. Nothing herein contained shall be deemed to authorize the local collection of garbage except in component cities. All costs of such local collection facilities shall be paid for by the area served thereby.

**35.58.290 Powers relative to parks and parkways.** If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan parks and parkways, it shall have the fol-

lowing powers in addition to the general powers granted by this chapter:

(1) To prepare a comprehensive plan of metropolitan parks and parkways.

(2) To acquire by purchase, condemnation, gift or grant, to lease, construct, add to, improve, develop, replace, repair, maintain, operate and regulate the use of metropolitan parks and parkways, together with all lands, rights of way, property, equipment and accessories necessary therefor. A park or parkway shall be considered to be a metropolitan facility if the metropolitan council shall by resolution find it to be of use and benefit to all or a major portion of the residents of the metropolitan area. Parks or parkways which are owned by a component city or county may be acquired or used by the metropolitan municipal corporation only with the consent of the legislative body of such city or county. Cities and counties are hereby authorized to convey or lease such facilities to metropolitan municipal corporations or to contract for their joint use on such terms as may be fixed by agreement between the legislative bodies of such city or county and the metropolitan council, without submitting the matter to the voters of such city or county. If parks or parkways which have been acquired or used as metropolitan facilities shall no longer be used for park purposes by the metropolitan municipal corporation, such facilities shall revert to the component city or county which formerly owned them.

(3) To fix fees and charges for the use of metropolitan park and parkway facilities.

**35.58.300 Metropolitan park board.** If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan parks and parkways, a metropolitan park board shall be formed prior to the effective date of the assumption of such function. Except as provided in this section, the metropolitan park board shall exercise all powers of the metropolitan municipal corporation with respect to metropolitan park and parkway facilities.

The metropolitan park board shall authorize expenditures for park and parkway purposes within the budget adopted by the metropolitan council. Bonds of the metropolitan municipal corporation for park and parkway purposes shall be issued by the metropolitan council as provided in this chapter.

The metropolitan park board shall consist of five members appointed by the metropolitan council at least two of whom shall be residents of the central city. The terms of first appointees shall be for one, two, three, four and five years, respectively. Thereafter members shall serve for a term of four years. Compensation of park board members shall be determined by the metropolitan council.

**35.58.310 Powers relative to planning.** If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan comprehensive planning, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare a recommended comprehensive land use and capital facilities plan for the metropolitan area.

(2) To review proposed zoning ordinances and resolutions or comprehensive plans of component cities and counties and make recommendations thereon. Such proposed zoning ordinances and resolutions or comprehensive plans must be submitted to the metropolitan council prior to adoption and may not be adopted until reviewed and returned by the metropolitan council. The metropolitan council shall cause such ordinances, resolutions and plans to be reviewed by the planning staff of the metropolitan municipal corporation and return such ordinances, resolutions and plans, together with their findings and recommendations thereon within sixty days following their submission.

(3) To provide planning services for component cities and counties upon request and upon payment therefor by the cities or counties receiving such service.

**35.58.320 Eminent domain.** A metropolitan municipal corporation shall have power to acquire by purchase and condemnation all lands and property rights, both within and without the metropolitan area, which are necessary for its purposes. Such right of eminent domain shall be exercised by the metropolitan council in the same manner and by the same procedure as is or may be provided by law for cities of the first class, except insofar as such laws may be inconsistent with the provisions of this chapter.

**35.58.330 Powers may be exercised with relation to public rights of way without franchise—Conditions.** A metropolitan municipal corporation shall have power to construct or maintain metropolitan facilities in, along, on, under, over, or through public streets, bridges, viaducts, and other public rights of way without first obtaining a franchise from the county or city having jurisdiction over the same: *Provided*, That such facilities shall be constructed and maintained in accordance with the ordinances and resolutions of such city or county relating to construction, installation and maintenance of similar facilities in such public properties.

**35.58.340 Disposition of unneeded property.** Except as otherwise provided herein, a metropolitan municipal corporation may sell, or otherwise dispose of any real or personal property acquired in connection with any authorized metropolitan function and which is no longer required for the purposes of the metropolitan municipal

corporation in the same manner as provided for cities of the first class. When the metropolitan council determines that a metropolitan facility or any part thereof which has been acquired from a component city or county without compensation is no longer required for metropolitan purposes, but is required as a local facility by the city or county from which it was acquired, the metropolitan council shall by resolution transfer it to such city or county.

**35.58.350 Powers of metropolitan council.** All the powers and functions of a metropolitan municipal corporation shall be vested in the metropolitan council unless expressly vested in specific officers, boards, or commissions by this chapter. Without limitation of the foregoing authority, or of other powers given it by this chapter, the metropolitan council shall have the following powers:

(1) To establish offices, departments, boards and commissions in addition to those provided by this chapter which are necessary to carry out the purposes of the metropolitan municipal corporation, and to prescribe the functions, powers and duties thereof.

(2) To appoint or provide for the appointment of, and to remove or to provide for the removal of, all officers and employees of the metropolitan municipal corporation except those whose appointment or removal is otherwise provided by this chapter.

(3) To fix the salaries, wages and other compensation of all officers and employees of the metropolitan municipal corporation unless the same shall be otherwise fixed in this chapter.

(4) To employ such engineering, legal, financial, or other specialized personnel as may be necessary to accomplish the purposes of the metropolitan municipal corporation.

**35.58.360 Rules and regulations—Penalties—Enforcement.** A metropolitan municipal corporation shall have power to adopt by resolution such rules and regulations as shall be necessary or proper to enable it to carry out authorized metropolitan functions and may provide penalties for the violation thereof. Actions to impose or enforce such penalties may be brought in the superior court of the state of Washington in and for the central county.

**35.58.370 Merit system.** The metropolitan council shall establish and provide for the operation and maintenance of a personnel merit system for the employment, classification, promotion, demotion, suspension, transfer, layoff and discharge of its appointive officers and employees solely on the basis of merit and fitness without regard to political influence or affiliation. The person appointed or body created for the purpose of administering such personnel system shall have power to make, amend and repeal rules and regulations as are deemed necessary for such merit system. Such rules and regulations shall provide:



(1) That the person to be discharged or demoted must be presented with the reasons for such discharge or demotion specifically stated; and

(2) That he shall be allowed a reasonable time in which to reply thereto in writing and that he be given a hearing thereon within a reasonable time.

**35.58.380 Retention of existing personnel.** A metropolitan municipal corporation shall offer to employ every person who on the date such corporation acquires a metropolitan facility is employed in the operation of such facility by a component city or county or by a special district.

**35.58.390 Prior employees pension rights preserved.** Where a metropolitan municipal corporation employs a person employed immediately prior thereto by a component city or county, or by a special district, such employee shall be deemed to remain an employee of such city, county, or special district for the purposes of any pension plan of such city, county, or special district, and shall continue to be entitled to all rights and benefits thereunder as if he had remained as an employee of the city, county, or special district, until the metropolitan municipal corporation has provided a pension plan and such employee has elected, in writing, to participate therein.

Until such election, the metropolitan municipal corporation shall deduct from the remuneration of such employee the amount which such employee is or may be required to pay in accordance with the provisions of the plan of such city, county, or special district and the metropolitan municipal corporation shall pay to the city, county, or special district any amounts required to be paid under the provisions of such plan by employer or employee.

**35.58.400 Prior employees sick leave and vacation rights preserved.** Where a metropolitan municipal corporation employs a person employed immediately prior thereto by a component city or county or by a special district, the employee shall be deemed to remain an employee of such city, county, or special district for the purposes of any sick leave credit plan of the component city, county, or special district until the metropolitan municipal corporation has established a sick leave credit plan for its employees, whereupon the metropolitan municipal corporation shall place to the credit of the employee the sick leave credits standing to his credit in the plan of such city, county, or special district.

Where a metropolitan municipal corporation employs a person theretofore employed by a component city, county, or by a special district, the metropolitan municipal corporation shall, during the first year of his employment by the metropolitan municipal cor-

poration, provide for such employee a vacation with pay equivalent to that which he would have been entitled if he had remained in the employment of the city, county, or special district.

**35.58.410 Budget—Expenditures—“Supplemental income” designated.** On or before the third Monday in June of each year, each metropolitan municipal corporation shall adopt a budget for the following calendar year. Such budget shall include a separate section for each authorized metropolitan function. Expenditures shall be segregated as to operation and maintenance expenses and capital and betterment outlays. Administrative and other expense general to the corporation shall be allocated between the authorized metropolitan functions. The budget shall contain an estimate of all revenues to be collected during the following budget year, including any surplus funds remaining unexpended from the preceding year. The remaining funds required to meet budget expenditures, if any, shall be designated as “supplemental income” and shall be obtained from the component cities and counties in the manner provided in this chapter. The metropolitan council shall not be required to confine capital or betterment expenditures made from bond proceeds or emergency expenditures to items provided in the budget. The affirmative vote of three-fourths of all members of the metropolitan council shall be required to authorize emergency expenditures.

**35.58.420 Supplemental income payments by component city and county.** Each component city shall pay such proportion of the supplemental income of the metropolitan municipal corporation as the assessed valuation of property within its limits bears to the total assessed valuation of taxable property within the metropolitan area. Each component county shall pay such proportion of such supplemental income as the assessed valuation of the property within the unincorporated area of such county lying within the metropolitan area bears to the total assessed valuation of taxable property within the metropolitan area. In making such determination, the metropolitan council shall use the last available assessed valuations. The metropolitan council shall certify to each component city and county, prior to the fourth Monday in June of each year, the share of the supplemental income to be paid by such component city or county for the next calendar year. The latter shall then include such amount in its budget for the ensuing calendar year. and during such year shall pay to the metropolitan municipal corporation, in equal quarterly installments, the amount of its supplemental income share from whatever sources may be available to it.

**35.58.430 Funds—Disbursements — Treasurer — Expenses. Election expenses.** The treasurer of each component county shall create a separate fund into which shall be paid all money collected from taxes levied by the metropolitan municipal corporation on property in such county and such money shall be forwarded quarterly by the treasurer of each such county to the treasurer of the central county as directed by the metropolitan council. The treasurer of the central county shall act as the treasurer of the metropolitan municipal corporation and shall establish and maintain such funds as may be authorized by the metropolitan council. Money shall be disbursed from such funds upon warrants drawn by the auditor of the central county as authorized by the metropolitan council. The central county shall be reimbursed by the metropolitan municipal corporation for services rendered by the treasurer and auditor of the central county in connection with the receipt and disbursement of such funds. The expense of all special elections held pursuant to this chapter shall be paid by the metropolitan municipal corporation.

**35.58.440 County assessor's duties.** It shall be the duty of the assessor of each component county to certify annually to the metropolitan council the aggregate assessed valuation of all taxable property in his county situated in any metropolitan municipal corporation as the same appears from the last assessment roll of his county.

**35.58.450 General obligation bonds—Issuance, sale, form, term, election, payment.** A metropolitan municipal corporation shall have the power to issue general obligation bonds and to pledge the full faith and credit of the corporation to the payment thereof, for any authorized capital purpose of the metropolitan municipal corporation: *Provided*, That a proposition authorizing the issuance of such bonds shall have been submitted to the electors of the metropolitan municipal corporation at a special election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said metropolitan municipal corporation at the last preceding state general election. Both principal of and interest on such general obligation bonds shall be payable from annual tax levies to be made upon all the taxable property within the metropolitan municipal corporation in excess of the forty mill tax limit.

General obligation bonds shall bear interest at a rate of not to exceed six percent per annum. The various annual maturities shall commence not more than five years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will,

together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies.

Such bonds shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature and the seal of the metropolitan corporation shall be impressed thereon. Each of the interest coupons shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities of the first class and at a price not less than par and accrued interest.

**35.58.460 Revenue bonds—Issuance, sale, form, term, payment, reserves, actions.** A metropolitan municipal corporation may issue revenue bonds to provide funds to carry out its authorized metropolitan sewage disposal, water supply, garbage disposal or transportation purposes, without submitting the matter to the voters of the metropolitan municipal corporation. The metropolitan council shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the metropolitan council may obligate the metropolitan municipal corporation to pay such amounts of the gross revenue of the particular utility constructed, acquired, improved, added to, or repaired out of the proceeds of sale of such bonds, as the metropolitan council shall determine. The principal of, and interest on, such bonds shall be payable only out of such special fund or funds, and the owners and holders of such bonds shall have a lien and charge against the gross revenue of such utility.

Such revenue bonds and the interest thereon issued against such fund or funds shall be a valid claim of the holders thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the metropolitan municipal corporation.

Each such revenue bond shall state upon its face that it is payable from such special fund or funds, and all revenue bonds issued under this chapter shall be negotiable instruments within the provisions of the negotiable instruments law of this state. Such revenue bonds may be registered either as to principal only or as to principal and interest, or may be bearer bonds, shall be in such denominations as the metropolitan council shall deem proper; shall be payable at such time or times and at such places as shall be determined by the metropolitan council; shall bear interest at such rate or rates as shall be determined by the metropolitan council, shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature, and the seal of the metropolitan municipal corporation shall be impressed

thereon; each of the interest coupons shall be signed by the facsimile signatures of said officials.

Such revenue bonds shall be sold in such manner as the metropolitan council shall deem to be for the best interests of the metropolitan municipal corporation, either at public or private sale. The aggregate interest cost to maturity of the money received for such revenue bonds shall not exceed seven percent per annum.

The metropolitan council may at the time of the issuance of such revenue bonds make such covenants with the purchasers and holders of said bonds as it may deem necessary to secure and guarantee the payment of the principal thereof and the interest thereon, including but not being limited to covenants to set aside adequate reserves to secure or guarantee the payment of such principal and interest, to maintain rates sufficient to pay such principal and interest and to maintain adequate coverage over debt service, to appoint a trustee or trustees for the bondholders to safeguard the expenditure of the proceeds of sale of such bonds and to fix the powers and duties of such trustee or trustees and to make such other covenants as the metropolitan council may deem necessary to accomplish the most advantageous sale of such bonds. The metropolitan council may also provide that revenue bonds payable out of the same source may later be issued on a parity with revenue bonds being issued and sold.

The metropolitan council may include in the principal amount of any such revenue bond issue an amount for working capital and an amount necessary for interest during the period of construction of any such metropolitan facilities plus six months. The metropolitan council may, if it deems it to the best interest of the metropolitan municipal corporation, provide in any contract for the construction or acquisition of any metropolitan facilities or additions or improvements thereto or replacements or extensions thereof that payment therefor shall be made only in such revenue bonds at the par value thereof.

If the metropolitan municipal corporation shall fail to carry out or perform any of its obligations or covenants made in the authorization, issuance and sale of such bonds, the holder of any such bond may bring action against the metropolitan municipal corporation and compel the performance of any or all of such covenants.

**35.58.470 Funding, refunding bonds.** The metropolitan council may, by resolution, without submitting the matter to the voters of the metropolitan municipal corporation, provide for the issuance of funding or refunding general obligation bonds to refund any outstanding general obligation bonds or any part thereof at maturity, or before maturity if they are by their terms or by other

agreement subject to prior redemption, with the right in the metropolitan council to combine various series and issues of the outstanding bonds by a single issue of funding or refunding bonds, and to issue refunding bonds to pay any redemption premium payable on the outstanding bonds being refunded. The funding or refunding general obligation bonds shall, except as specifically provided in this section, be issued in accordance with the provisions of this chapter with respect to general obligation bonds.

The metropolitan council may, by resolution, without submitting the matter to the voters of the metropolitan municipal corporation, provide for the issuance of funding or refunding revenue bonds to refund any outstanding revenue bonds or any part thereof at maturity, or before maturity if they are by their terms or by agreement subject to prior redemption, with the right in the metropolitan council to combine various series and issues of the outstanding bonds by a single issue of refunding bonds, and to issue refunding bonds to pay any redemption premium payable on the outstanding bonds being refunded. The funding or refunding revenue bonds shall be payable only out of a special fund created out of the gross revenue of the particular utility, and shall be a valid claim only as against such special fund and the amount of the revenue of the utility pledged to the fund. The funding or refunding revenue bonds shall, except as specifically provided in this section, be issued in accordance with the provisions of this chapter with respect to revenue bonds.

The net interest cost to maturity on funding or refunding bonds issued under this chapter shall not exceed seven percent per annum. The amount of premium, if any, to be paid on the redemption of such funding or refunding bonds prior to the maturity thereof shall not be considered in determining such net interest cost. The metropolitan council may exchange the funding or refunding bonds at par for the bonds which are being funded or refunded, or it may sell them in such manner as it deems for the best interest of the metropolitan municipal corporation.

**35.58.480 Borrowing money from component city or county.** A metropolitan municipal corporation shall have the power when authorized by a majority of all members of the metropolitan council to borrow money from any component city or county and such cities or counties are hereby authorized to make such loans or advances on such terms as may be mutually agreed upon by the legislative bodies of the metropolitan municipal corporation and any such component city or county to provide funds to carry out the purposes of the metropolitan municipal corporation.

**35.58.490 Interest bearing warrants.** If a metropolitan municipal corporation shall have been authorized to levy a general tax on all taxable property located within the metropolitan municipal corporation in the manner provided in this chapter, either at the time of the formation of the metropolitan municipal corporation or subsequently, the metropolitan council shall have the power to authorize the issuance of interest bearing warrants on such terms and conditions as the metropolitan council shall provide, same to be repaid from the proceeds of such tax when collected.

**35.58.500 Local improvement districts—Utility local improvement districts.** The metropolitan municipal corporation shall have the power to levy special assessments payable over a period of not exceeding twenty years on all property within the metropolitan area specially benefited by any improvement, on the basis of special benefits conferred, to pay in whole, or in part, the damages or costs of any such improvement, and for such purpose may establish local improvement districts and enlarged local improvement districts, issue local improvement warrants and bonds to be repaid by the collection of local improvement assessments and generally to exercise with respect to any improvements which it may be authorized to construct or acquire the same powers as may now or hereafter be conferred by law upon cities of the first class. Such local improvement districts shall be created and such special assessments levied and collected and local improvement warrants and bonds issued and sold in the same manner as shall now or hereafter be provided by law for cities of the first class. The duties imposed upon the city treasurer under such acts shall be imposed upon the treasurer of the county in which such local improvement district shall be located.

A metropolitan municipal corporation may provide that special benefit assessments levied in any local improvement district may be paid into such revenue bond redemption fund or funds as may be designated by the metropolitan council to secure the payment of revenue bonds issued to provide funds to pay the cost of improvements for which such assessments were levied. If local improvement district assessments shall be levied for payment into a revenue bond fund, the local improvement district created therefor shall be designated a utility local improvement district.

**35.58.510 Obligations of corporation are legal investments and security for public deposits.** All banks, trust companies, bankers, savings banks, and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business, all insurance companies, insurance associations, and other persons carrying on an

insurance business, and all executors, administrators, curators, trustees and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by a metropolitan municipal corporation pursuant to this chapter. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

**35.58.520 Legal investments for corporate funds.** A metropolitan municipal corporation shall have the power to invest its funds held in reserves or sinking funds or any such funds which are not required for immediate disbursement, in property or securities in which mutual savings banks may legally invest funds subject to their control.

**35.58.530 Annexation—Requirements, procedure.** Territory annexed to a component city after the establishment of a metropolitan municipal corporation shall by such act be annexed to such corporation. Any other territory adjacent to a metropolitan municipal corporation may be annexed thereto by vote of the qualified electors residing in the territory to be annexed, in the manner provided in this chapter. An election to annex such territory may be called pursuant to a petition or resolution in the following manner:

(1) A petition calling for such an election shall be signed by at least four percent of the qualified voters residing within the territory to be annexed and shall be filed with the auditor of the central county.

(2) A resolution calling for such an election may be adopted by the metropolitan council.

Any resolution or petition calling for such an election shall describe the boundaries of the territory to be annexed, and state that the annexation of such territory to the metropolitan municipal corporation will be conducive to the welfare and benefit of the persons or property within the metropolitan municipal corporation and within the territory proposed to be annexed.

Upon receipt of such a petition, the auditor shall examine the same and certify to the sufficiency of the signatures thereon. For the purpose of examining the signatures on such petition, the auditor shall be permitted access to the voter registration books of each city within the territory proposed to be annexed and of each county a portion of which shall be located within the territory proposed



to be annexed. No person may withdraw his name from a petition after it has been filed with the auditor. Within thirty days following the receipt of such petition, the auditor shall transmit the same to the metropolitan council, together with his certificate as to the sufficiency thereof.

**35.58.540 ————Hearings—Inclusion, exclusion of territory—Boundaries—Calling election.** Upon receipt of a duly certified petition calling for an election on the annexation of territory to a metropolitan municipal corporation, or if the metropolitan council shall determine without a petition being filed, that an election on the annexation of any adjacent territory shall be held, the metropolitan council shall fix a date for a public hearing thereon which shall be not more than sixty nor less than forty days following the receipt of such petition or adoption of such resolution. Notice of such hearing shall be published once a week for at least four consecutive weeks in one or more newspapers of general circulation within the territory proposed to be annexed. The notice shall contain a description of the boundaries of the territory proposed to be annexed and shall state the time and place of the hearing thereon and the fact that any changes in the boundaries of such territory will be considered at such time and place. At such hearing or any continuation thereof, any interested person may appear and be heard on all matters relating to the proposed annexation. The metropolitan council may make such changes in the boundaries of the territory proposed to be annexed as it shall deem reasonable and proper, but may not delete any portion of the proposed area which will create an island of included or excluded lands and may not delete a portion of any city. If the metropolitan council shall determine that any additional territory should be included in the territory to be annexed, a second hearing shall be held and notice given in the same manner as for the original hearing. The metropolitan council may adjourn the hearing on the proposed annexation from time to time not exceeding thirty days in all. At the next regular meeting following the conclusion of such hearing, the metropolitan council shall, if it finds that the annexation of such territory will be conducive to the welfare and benefit of the persons and property therein and the welfare and benefit of the persons and property within the metropolitan municipal corporation, adopt a resolution fixing the boundaries of the territory to be annexed and causing to be called a special election on such annexation to be held not more than one hundred twenty days nor less than sixty days following the adoption of such resolution.

**35.58.550 ————Election—Favorable vote.** An election on the annexation of territory to a metropolitan municipal corporation

shall be conducted and canvassed in the same manner as provided for the conduct of an election on the formation of a metropolitan municipal corporation except that notice of such election shall be published in one or more newspapers of general circulation in the territory proposed to be annexed and the ballot proposition shall be in substantially the following form:

ANNEXATION TO (here insert name of metropolitan municipal corporation).

“Shall the territory described in a resolution of the metropolitan council of (here insert name of metropolitan municipal corporation) adopted on the \_\_\_\_\_, 19\_\_\_\_\_, be annexed to such incorporation?

YES .....   
 NO ..... ”

If a majority of those voting on such proposition vote in favor thereof, the territory shall thereupon be annexed to the metropolitan municipal corporation.

**35.58.900 Liberal construction.** The rule of strict construction shall have no application to this chapter, but the same shall be liberally construed in all respects in order to carry out the purposes and objects for which this chapter is intended.

**Chapter 35.60**

**WORLD FAIRS OR EXPOSITIONS—PARTICIPATION BY MUNICIPALITIES**

**35.60.010 “Municipality” defined.** “Municipality” as used in this chapter, means any political subdivision or municipal corporation of the state.

**35.60.020 Participation, exercise of powers declared public purpose and necessity.** The participation of any municipality in any world fair or exposition, whether held within the boundaries of such municipality or within the boundaries of another municipality; the purchase, lease, or other acquisition of necessary lands therefor; the acquisition, lease, construction, improvements, maintenance, and equipping of buildings or other structures upon such lands or other lands; the operation and maintenance necessary for such participation, and the exercise of any other powers herein granted to such 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 acquired, constructed, improved, maintained, equipped, used, and disposed of by such municipalities in the manner and for the pur-

poses enumerated in this chapter shall and are hereby declared to be acquired, constructed, improved, maintained, equipped, used, and disposed of for public, governmental, county, and municipal purposes and as a matter of public necessity.

**35.60.030 Participation authorized—Powers—Costs.** Municipalities are authorized to participate in any world fair or exposition to be held within the state by the state or any political subdivision or municipal corporation thereof, whether held within the boundaries of such municipality or within the boundaries of another municipality. Any municipality so participating is authorized, through its governing authorities, to purchase, lease, or otherwise acquire property, real or personal; to construct, improve, maintain and equip buildings or other structures; and expend moneys for investigations, planning, operations, and maintenance necessary for such participation.

The cost of any such acquisition, construction, improvement, maintenance, equipping, investigations, planning, operation, or maintenance necessary for such participation may be paid for by appropriation of moneys available therefor, gifts, or wholly or partly from the proceeds of bonds of the municipality, as the governing authority of the municipality may determine.

**35.60.040 Bonds—Laws applicable to authorization and issuance.** Any bonds to be issued by any municipality pursuant to the provisions of RCW 35.60.030, shall be authorized and issued in the manner and within the limitations prescribed by the Constitution and laws of this state or charter of the municipality for the issuance and authorization of bonds thereof for public purposes generally and secured by a general tax levy as provided by law: *Provided*, That the provisions of RCW 39.44.070 and 36.67.040 shall not apply to such bond issues.

**35.60.050 Authorization to appropriate funds and levy taxes.** The governing bodies having power to appropriate moneys within such municipalities for the purpose of purchasing, leasing or otherwise acquiring property, constructing, improving, maintaining, and equipping buildings or other structures, and the investigations, planning, operation or maintenance necessary to participation in any such world fair or exposition, are hereby authorized to appropriate and cause to be raised by taxation or otherwise in such municipalities, moneys sufficient to carry out such purpose.

**35.60.060 Cooperation between municipalities—Use of facilities after conclusion of fair or exposition—Intergovernmental disposition of property.** In any case where the participation of a municipality includes the construction of buildings or other structures on lands

of another municipality, the governing authorities constructing such buildings or structures shall endeavor to cooperate with such other municipality for the construction and maintenance of such buildings or structures to a standard of health and safety common in the county where the world fair or exposition is being or will be held; and shall cooperate with such other municipality in any comprehensive plans it may promulgate for the general construction and maintenance of said world fair or exposition and utilization of the grounds and buildings or structures after the conclusion of such world fair or exposition to the end that a reasonable, economic use of said buildings or structures shall be returned for the life of said buildings or structures.

The governing authorities of any municipality are hereby authorized and empowered to sell, exchange, transfer, lease or otherwise dispose of any property, real or personal, acquired or constructed for the purpose of participation in such fair or exposition, in accordance with the provisions of RCW 39.33.010.

**35.60.070 Chapter supplemental to other laws.** The powers and authority conferred upon municipalities under the provisions of this chapter, shall be construed as in addition and supplemental to powers or authority conferred by any other law, and nothing contained herein shall be construed as limiting any other powers or authority of such municipalities.

## Chapter 35.61

### METROPOLITAN PARK DISTRICTS

**35.61.010 Authority to create—Withdrawal of fourth class municipalities.** Cities of the first class and such contiguous property the residents of which may decide in favor thereof in the manner set forth in this chapter may create a metropolitan park district for the management, control, improvement, maintenance, and acquisition of parks, parkways, and boulevards: *Provided*, That no municipal corporation of the fourth class shall be included within such metropolitan park district, and any such fourth class municipal corporation heretofore included within such district is hereby automatically withdrawn.

**35.61.020 Election—Petition—Area.** At any general election, or at any special election which may be called for that purpose, or at any city election held in the city in all of the various voting precincts thereof, the city council or commission may, or on petition of fifteen percent of the qualified electors of the city based upon the registration for the last preceding general city election, shall

by ordinance, submit to the voters of the city the proposition of creating a metropolitan park district, the limits of which shall be coextensive with the limits of the city as now or hereafter established, inclusive of territory annexed to and forming a part of the city.

Territory by virtue of its annexation to any city having heretofore created a park district shall be deemed to be within the limits of the metropolitan park district.

The city council or commission shall submit the proposition at a special election to be called therefor when the petition so requests.

**35.61.030 Election—Declaration of intention—Question stated.**

In submitting the said question to the voters for their approval or rejection, the city council or commission shall pass an ordinance declaring its intention to submit the proposition of creating a metropolitan park district to the qualified voters of the city. The ordinance shall be published for at least five days in a daily newspaper published in the city, and the city council or commission shall cause to be placed upon the ballot for the election, at the proper place, the proposition which shall be expressed in the following terms:

- "For the formation of a metropolitan park district."
- "Against the formation of a metropolitan park district."

**35.61.040 Election—Creation of district.**

If at an election a majority of the voters voting thereon vote in favor of the formation of a metropolitan park district, the park district shall then be and become a municipal corporation and its name shall be "Metropolitan Park District of ..... (inserting the name of the city)."

**35.61.050 Election of commissioners—Terms.**

At the same election at which the proposition is submitted to the voters as to whether a metropolitan park district is to be formed, five park commissioners shall be elected to hold office respectively for the following terms: In cities of the first class holding general elections for mayor biennially, one commissioner shall be elected to hold office for two years and two for four years and two for six years and their respective successors shall be elected at each biennial election for a term of six years and until their respective successors are elected and qualified. In cities of the first class holding elections every three years two commissioners shall be elected for three years and three commissioners shall be elected for six years and thereafter two and three commissioners, respectively, shall be elected at each general election for a term of six years and until their respective successors are elected and qualified. The term of each nominee for park commissioner shall be expressed on the ballot.

**35.61.060 Election of commissioners—Time of—Nomination.** The election of metropolitan park commissioners shall be held in conjunction with and in the manner provided by the laws of the state for cities of the first class within which said metropolitan park district may be situated. Nominations for the metropolitan park commissioners shall be by petition of one hundred qualified electors of the park district to be filed in the office of the city clerk for the first election and with the secretary of the metropolitan park district for all succeeding elections. Nominations must be filed and certified as provided by statute for cities and districts.

**35.61.070 Election of commissioners—Filling vacancies.** In the event of a vacancy caused by death, resignation, or otherwise, it shall be filled by appointment by a majority vote of the remaining commissioners until the next regular election for park commissioners.

**35.61.080 Elections—Eligibility of voters.** Any elector, who is registered in accordance with the laws of this state entitling him to vote at a general or special election in the city or territory comprised within a metropolitan park district within time to constitute it a good registration for any general or special election of the metropolitan park district, shall be entitled to vote thereat without further or other registration.

**35.61.090 Elections—Laws governing.** The manner of holding any general or special election in a metropolitan park district shall be in accordance with the laws of this state and charter provisions of the city within which said park district lies insofar as they are not inconsistent with the provisions of this chapter.

**35.61.100 Indebtedness limit—Without popular vote.** Every metropolitan park district through its board of commissioners may contract indebtedness for park, boulevard, aviation landings, playgrounds and parkway purposes, and the extension and maintenance thereof, not exceeding three-twentieths of one percent of the taxable property in such metropolitan park district. The taxable property shall be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness.

**35.61.110 Indebtedness limit—With popular vote.** Every metropolitan park district may contract indebtedness in excess of three-twentieths of one percent of the taxable property but not exceeding in amount, together with existing indebtedness, five percent of the taxable property in said district, whenever three-fifths of the voters voting at an election held in the metropolitan park district assent thereto; the election may be either a special or a general election,

and the park commissioners of the metropolitan park district may cause the question of incurring such indebtedness, and issuing negotiable bonds of such metropolitan park district, to be submitted to the qualified voters of the district at any time.

**35.61.120 Park commissioners as officers of district—Organization.** The officers of a metropolitan park district shall be a board of park commissioners consisting of five members. The board shall annually elect one of their number as president and another of their number as clerk of the board.

**35.61.130 Park commissioners—Authority generally.** A metropolitan park district has the right of eminent domain, and may purchase, acquire and condemn lands lying within or without the boundaries of said park district, for public parks, parkways, boulevards, aviation landings and playgrounds, and may condemn such lands to widen, alter and extend streets, avenues, boulevards, parkways, aviation landings and playgrounds, to enlarge and extend existing parks, and to acquire lands for the establishment of new parks, boulevards, parkways, aviation landings and playgrounds. The board of park commissioners may pass orders providing for all condemnations which it may desire to institute within its authority, and to bring actions in the proper courts for the condemnation of lands, to employ counsel, and to regulate, manage and control the parks, parkways, boulevards, streets, avenues, aviation landings and playgrounds under its control, and to provide for park policemen, for a secretary of the board of park commissioners and for all necessary employees, to fix their salaries and duties. The board of park commissioners shall have power to improve, acquire, extend and maintain, open and lay out, parks, parkways, boulevards, avenues, aviation landings and playgrounds, within or without the park district, and to authorize, conduct and manage the letting of boats, or other amusement apparatus, the operation of bath houses, the purchase and sale of foodstuffs or other merchandise, the giving of vocal or instrumental concerts or other entertainments, the establishment and maintenance of aviation landings and playgrounds, and generally the management and conduct of such forms of recreation or business as it shall judge desirable or beneficial for the public, or for the production of revenue for expenditure for park purposes; and may pay out moneys for the maintenance and improvement of any such parks, parkways, boulevards, avenues, aviation landings and playgrounds as now exist, or may hereafter be acquired, within or without the limits of said city and for the purchase of lands within or without the limits of said city, whenever it deems the purchase to be for the benefit of the public and for the interest of the park district, and for the maintenance and

improvement thereof and for all expenses incidental to its duties: *Provided*, That all parks, boulevards, parkways, aviation landings and playgrounds shall be subject to the police regulations of the city within whose limits they lie.

**35.61.132 Disposition of unsuitable property.** Every metropolitan park district may, by unanimous decision of its board of park commissioners, sell, exchange, or otherwise dispose of any real or personal property acquired for park or recreational purposes when such property is no longer suitable for park or other recreational purposes: *Provided*, That where the property is acquired by donation or dedication for park or recreational purposes, the consent of the donor or dedicator, his heirs, successors, or assigns is first obtained. All sales shall be by public bids and sale made only to the highest and best bidder.

**35.61.140 Park commissioners—Civil service for employees.** A metropolitan park district may establish civil service for its employees by resolution upon the following plan:

(1) It shall create a civil service commission with authority to appoint a personnel officer and to make rules and regulations for classification based upon suitable differences in pay for differences in work, and for like pay for like work, and for competitive entrance and promotional examinations; for certifications, appointments, probationary service periods and for dismissals therein; for demotions and promotions based upon merit and for reemployments, suspensions, transfers, sick leaves and vacations; for lay-offs when necessary according to seniority; for separations from the service by discharge for cause; for hearings and reinstatements, for establishing status for incumbent employees, and for prescribing penalties for violations.

(2) The civil service commission and personnel officer shall adopt rules to be known as civil service rules to govern the administration of personnel transactions and procedure. The rules so adopted shall have the force and effect of law, and, in any and all proceedings, the rules shall be liberally interpreted and construed to the end that the purposes and basic requirements of the civil service system may be given the fullest force and effect.

**35.61.150 Park commissioners—Compensation.** Metropolitan park commissioners shall perform their duties without compensation.

**35.61.160 Park district bonds—Issuance—Sale.** If incurring the indebtedness and issuing bonds therefor has been approved by the people, the commissioners of such metropolitan park district may issue the negotiable bonds of such district for the amount of such indebtedness and may dispose of said bonds either in payment of



such indebtedness, or may advertise and sell said bonds in the open market for cash, but in no event shall said bonds be disposed of or negotiated at less than par.

**35.61.170 Park district bonds—Terms—Denominations—Form.** Metropolitan park district bonds shall be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer, in not more than twenty years from date of issue, and bear interest at a rate not exceeding five percent per annum, payable annually, with coupons attached, for each interest payment. They shall be numbered from one consecutively and shall be payable in the order of their number beginning with bond numbered one. The bonds shall be payable as therein designated in any city of the United States having a national bank.

The bonds and each coupon shall be signed by the president of the board of park commissioners and shall be attested by the clerk of the board. The bonds shall be printed, engraved, or lithographed on good bond paper, and the bond shall state on its face that it is issued in accordance, and in strict compliance, with an act of the legislature of the state of Washington, entitled: "An act authorizing the formation of metropolitan park districts, providing for park officials, fixing their powers and duties, and declaring an emergency," approved March 11, 1907, and reenacted on March 22, 1943.

**35.61.180 Park district bonds—Registration.** Before the bonds are delivered to the purchaser, they shall be presented to the county treasurer who shall register them in a book kept for that purpose and known as the "metropolitan park bond register," in which register shall be entered the number of each bond, date of issue and maturity, amount, rate of interest, to whom and when payable. The county treasurer shall receive no compensation other than his regular salary for receiving and disbursing the funds of a metropolitan park district. The board of park commissioners shall keep a register of such bonds similar to that provided for the county treasurer.

**35.61.190 Park district bonds—Retirement.** Whenever there is money in the metropolitan park district fund and the commissioners of the park district deem it advisable to apply any part thereof to the payment of bonded indebtedness, they shall advertise in a daily newspaper published within said park district for the presentation to them for payment of as many bonds as they may desire to pay with the funds on hand, the bonds to be paid in numerical order, beginning with the lowest number outstanding and called by number.

Thirty days after the first publication of the notice by the board calling in bonds they shall cease to bear interest, and this shall be stated in the notice.

**35.61.200 Park district bonds—Payment of coupons.** The coupons for the payment of interest on metropolitan park district bonds shall be considered for all purposes as warrants drawn upon the metropolitan park district fund against which the bonds were issued, and when presented after maturity to the treasurer of the county having custody of the fund. If there are no funds in the treasury to pay the coupons, the county treasurer shall endorse said coupons as presented for payment, in the same manner as county warrants are endorsed, and thereafter the coupon shall bear interest at the same rate as the bond to which it was attached.

**35.61.210 Park district tax levy—“Park district fund.”** The board of park commissioners may levy or cause to be levied a general tax on all the property located in said park district each year not to exceed three mills on the assessed valuation of the property in such park district: *Provided*, That notwithstanding the provisions of RCW 84.52.050, the board is hereby authorized to levy a general tax in excess of three mills when authorized so to do at a special election conducted in accordance with and subject to all the requirements of the Constitution and laws of the state now in force or hereafter enacted governing the limitation of tax levies commonly known as the forty mill tax limitation. The board is hereby authorized to call a special election for the purpose of submitting to the qualified voters of the park district a proposition to levy a tax in excess of the three mills herein specifically authorized. The manner of submitting any such proposition, of certifying the same, and of giving or publishing notice thereof, shall be as provided by law for the submission of propositions by cities or towns. The board shall include in its general tax levy for each year a sufficient sum to pay the interest on all outstanding bonds and may include a sufficient amount to create a sinking fund for the redemption of all outstanding bonds. The levy shall be certified to the proper county officials for collection the same as other general taxes and when collected, the general tax shall be placed in a separate fund in the office of the county treasurer to be known as the “metropolitan park district fund” and paid out on warrants.

**35.61.220 Petition for improvements on assessment plan.** If at any time any proposed improvement of any parkway, avenue, street, or boulevard is deemed by the board of metropolitan park commissioners to be a special benefit to the lands adjoining, contiguous, approximate to or in the neighborhood of the proposed improve-

ment, which lie within the city, the board may so declare, describing the property to be benefited. Thereupon they may petition the city council to cause the improvement contemplated by the commissioners to be done and made on the local assessment plan, and the portion of the cost of the improvement as fixed by such assessment roll to be assessed against the said property so benefited in the same manner and under the same procedure as of other local improvements, and the remainder of the cost of such improvement to be paid out of the metropolitan park district fund.

The board of park commissioners shall designate the kind, manner and style of the improvement to be made, and may designate the time within which it shall be made.

**35.61.230 Objections—Appeal.** Any person, firm or corporation feeling aggrieved by the assessment against his or its property may file objections with the city council and may appeal from the order confirming the assessment roll in the same manner as objections and appeals are made in regard to local improvements in cities of the first class.

**35.61.240 Assessment lien—Collection.** The assessment for local improvements authorized by this chapter shall become a lien in the same manner, and be governed by the same law, as is provided for local assessments in cities of the first class and be collected as such assessments are collected.

**35.61.250 Territorial annexation—Authority—Petition.** The territory adjoining and in the same county with a metropolitan park district may be annexed to and become a part thereof upon petition and an election held pursuant thereto. The petition shall define the territory proposed to be annexed and must be signed by twenty-five registered voters, resident within the territory proposed to be annexed, unless the territory is within the limits of another city when it must be signed by twenty percent of the registered voters residing within the territory proposed to be annexed. The petition must be addressed to the board of park commissioners requesting that the question be submitted to the legal voters of the territory proposed to be annexed, whether they will be annexed and become a part of the park district.

**35.61.260 Territorial annexation—Hearing on petition.** Upon the filing of an annexation petition with the board of park commissioners, if the commissioners concur in the petition, they shall provide for a hearing to be held for the discussion of the proposed annexation at the office of the board of park commissioners, and shall give due notice thereof by publication at least five days before the hearing in a daily newspaper published in the park district.

**35.61.270 Territorial annexation—Election—Method.** If the park commissioners concur in the petition, they shall cause the proposal to be submitted to the electors of such territory proposed to be annexed, at an election to be held in such territory, which shall be called, canvassed and conducted in accordance with the general election laws. The board of park commissioners by resolution shall fix a time for the holding of the election to determine the question of annexation, and in addition to the notice required by RCW 29.27-.080 shall give notice thereof by causing notice to be published for five days in five consecutive issues of a daily newspaper published in said park district, and by posting notices in five public places within the territory proposed to be annexed in said district.

The ballot to be used at such election shall be in the following form:

- "For annexation to metropolitan park district."
- "Against annexation to metropolitan park district."

**35.61.280 Territorial annexation—Election—Result.** The canvassing authority shall cause a statement of the result of such election to be forwarded to the board of park commissioners for entry on the record of the board. If the majority of the votes cast upon that question at the election shall favor annexation, the territory shall immediately become annexed to the park district, and shall thenceforth be a part of the park district, the same as though originally included in the district. The expense of such election shall be paid out of park district funds.

**35.61.290 Transfer of city property—Authority. Emergency grant, loan, of funds by city.** Any city within or comprising any metropolitan park district may turn over to the park district any lands which it may own, or any street, avenue, or public place within the city for playground, park or parkway purposes, and thereafter its control and management shall vest in the board of park commissioners: *Provided*, That the police regulations of such city shall apply to all such premises.

At any time that any such metropolitan park district is unable, through lack of sufficient funds, to provide for the continuous operation, maintenance and improvement of the parks and playgrounds and other properties or facilities owned by it or under its control, and the legislative body of any city within or comprising such metropolitan park district shall determine that an emergency exists requiring the financial aid of such city to be extended in order to provide for such continuous operation, maintenance and/or improvement of parks, playgrounds facilities, other properties, and programs of such park district within its limits, such city may grant or loan to such metropolitan park district such of its avail-

able funds, or such funds which it may lawfully procure and make available, as it shall find necessary to provide for such continuous operation and maintenance and, pursuant thereto, any such city and the board of park commissioners of such district are authorized and empowered to enter into an agreement embodying such terms and conditions of any such grant or loan as may be mutually agreed upon.

The board of metropolitan park commissioners may accept public streets of the city and grounds for public purposes when donated for park, playground, boulevard and park purposes.

**35.61.300 Transfer of city property—Assumption of indebtedness.** When any metropolitan park district shall be formed pursuant to this chapter and shall assume control of the parks, parkways, boulevards, and park property of the city in which said park district is created, such park district shall assume all existing indebtedness, bonded or otherwise, against such park property, and shall arrange by taxation or issuing bonds, as herein provided, for the payment of such indebtedness, and shall relieve such city from such payment. Said park district is hereby given authority to issue refunding bonds when necessary in order to enable it to comply with this section.

**35.61.310 Dissolution.** A board of commissioners of a metropolitan park district may, upon a majority vote of all its members, dissolve any metropolitan park district, prorate the liabilities thereof, and turn over to the city and/or county so much of the district as is respectively located therein, when:

(1) Such city and/or county, through its governing officials, agrees to, and petitions for, such dissolution and the assumption of such assets and liabilities, or;

(2) Ten percent of the voters of such city and/or county who voted at the last general election petition the governing officials for such a vote.

**35.61.320 Withdrawal of fourth class municipality—Prior levies and assessments.** Any and all taxes or assessments levied or assessed against property located in the municipal corporation of the fourth class automatically withdrawn under RCW 35.61.010 from a metropolitan park district shall remain a lien and be collectible as by law provided when such taxes or assessments are levied or assessed prior to such withdrawal or when such levies or assessments are duly made to provide revenue for the payment of general obligations or general obligation bonds of the metropolitan park district duly incurred or issued prior to such automatic withdrawal.

**35.61.330 ———Contracts with district.** Any municipal corporation of the fourth class so withdrawn may, through its legislative authority, authorize contracts with the metropolitan park district from which it was withdrawn with respect to the rights, duties, and obligations of the withdrawn municipal corporation as to the ownership of property, services, assets, liabilities, and debts and any other question arising out of the withdrawal, which contract may also make provisions for services by the district and use of the facilities or real estate within such municipal corporation or park district, and the contract may provide for such distribution of any costs or expenses as may be agreed to by the municipal corporation and the district.

**35.61.340 ———Disposition of property—Eminent domain.** The legislative authority of the municipal corporation of the fourth class so withdrawn may (1) negotiate and agree with the commissioners of the metropolitan park district from which it has been withdrawn as to the disposition of any property, real or personal, or of any right, title, or interest therein including the title, price and conveyance thereof, and (2) such municipal corporation shall also have the right of eminent domain in making a final disposition of any question arising, directly or indirectly, out of the withdrawal, such proceedings to be had in the name of the municipal corporation and in the manner prescribed for cities and towns in chapter 8.12: *Provided*, That nothing herein shall be construed to limit in any way existing powers of the municipal corporation as to condemnation generally.

## Chapter 35.62

### NAME—CHANGE OF

**35.62.010 Authority for.** Any city or town may change its name in accordance with the procedure provided in this chapter.

**35.62.020 Election—Petition—Ballot.** The city or town council may, and upon presentation of a petition signed by not less than fifty electors of such city or town, shall cause to be placed upon the ballot at the next succeeding municipal election the question whether such city or town shall change its name. Such question may be in substantially the following form:

Shall the name of the city (or town) of \_\_\_\_\_ (insert name) \_\_\_\_\_ be changed?

YES

NO

**35.62.030 Nominations of new name.** If the majority of the votes cast upon the proposition favor the change, nominations for a new

name may thereafter, and until twenty days before the next succeeding municipal election, be made by filing with the city or town clerk a nominating petition therefor signed by not less than twenty-five electors of such city or town.

**35.62.040 Placing names on election ballot.** All names so petitioned for shall be placed upon the ballot at the next succeeding municipal election under the heading:

Proposed names for the city (or town) of.....(insert name).....

Vote for one.

**35.62.050 Results—Votes necessary.** At the election at which new names for a city or town are voted upon, the name receiving the highest number of votes shall become the name of the city or town at the time when the officers elected at that election begin their terms: *Provided*, That if no name receives forty percent or more of the votes cast upon the proposition the two names receiving the highest votes shall again be submitted at the next succeeding municipal election in the same manner and with the same effect.

**35.62.060 Results—Certification.** Whenever any city or town has changed its name, the clerk shall certify the new name to the secretary of state prior to the date when the change takes effect.

### Chapter 35.63

#### PLANNING COMMISSIONS

**35.63.010 Definitions.** As used in this chapter the following terms shall have the meaning herein given them:

“Appointive members” means all members of a commission other than ex officio members;

“Board” means the board of county commissioners;

“City” includes every incorporated city and town;

“Commission” means a city or county planning commission;

“Council” means the chief legislative body of a city;

“Ex officio members” means the members of a commission chosen from among city or county officials;

“Highways” include streets, roads, boulevards, lanes, alleys, viaducts and other traveled ways;

“Mayor” means the chief executive of a city;

“Municipality” includes every county and city.

**35.63.020 Commissioners—Manner of appointment.** If any council or board desires to avail itself of the powers conferred by this chapter it shall create a city or county planning commission con-

sisting of from three to twelve members to be appointed by the mayor or chairman of the municipality and confirmed by the council or board: *Provided*, That in cities of the first class having a commission form of government consisting of three or more members, the commissioner of public works shall appoint the planning commission, which appointment shall be confirmed by a majority of the city commissioners. Cities of the first class operating under self-government charters may extend the membership and the duties and powers of its commission beyond those prescribed in this chapter.

**35.63.030 Commissioners — Number — Tenure — Compensation.**

The ordinance, resolution or act creating the commission shall set forth the number of members to be appointed, not more than one-third of which number may be ex officio members by virtue of office held in any municipality. The term of office for ex officio members shall correspond to their respective tenures. The term of office for the first appointive members appointed to such commission shall be designated from one to six years in such manner as to provide that the fewest possible terms will expire in any one year. Thereafter the term of office for each appointive member shall be six years.

Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term. Members may be removed, after public hearing, by the appointing official, with the approval of his council or board, for inefficiency, neglect of duty or malfeasance in office.

The members shall be selected without respect to political affiliations and they shall serve without compensation.

**35.63.040 Commissions — Organization — Meeting — Rules.** The commission shall elect its own chairman and create and fill such other offices as it may determine it requires. The commission shall hold at least one regular meeting in each month for not less than nine months in each year. It shall adopt rules for transaction of business and shall keep a written record of its meetings, resolutions, transactions, findings and determinations which record shall be a public record.

**35.63.050 Expenditures.** The expenditures of any commission or regional commission authorized and established under this chapter, exclusive of gifts, shall be within the amounts appropriated for the purpose by the council or board. Within such limits, any commission may employ such employees and expert consultants as are deemed necessary for its work.

**35.63.060 Powers of commissions.** The commission may act as the research and fact finding agency of the municipality. To that



end it may make such surveys, analyses, researches and reports as are generally authorized or requested by its council or board, or by the state with the approval of its council or board. The commission, upon such request or authority may also:

(1) Make inquiries, investigations, and surveys concerning the resources of the county;

(2) Assemble and analyze the data thus obtained and formulate plans for the conservation of such resources and the systematic utilization and development thereof;

(3) Make recommendations from time to time as to the best methods of such conservation, utilization, and development;

(4) Cooperate with other commissions and with other public agencies of the municipality, state and United States in such planning, conservation, and development; and

(5) In particular cooperate with and aid the state within its territorial limits in the preparation of the state master plan provided for in RCW 43.21.190 and in advance planning of public works programs.

**35.63.070 Regional commissions—Appointment—Powers.** The commissions of two or more adjoining counties, of two or more adjacent cities and towns, of one or more cities and towns and/or one or more counties, together with the boards of such counties and the councils of such cities and towns may cooperate to form, organize and administer a regional planning commission for the making of a regional plan for the region defined as may be agreed upon by the commissions, boards and councils. The regional commission when requested by the commissions of its region, may further perform any of the other duties for its region that are specified in RCW 35.63.060 for city and county commissions. The number of members of a regional commission, their method of appointment and the proportion of the cost of regional planning, surveys and studies to be borne respectively by the various counties and cities in the region, shall be such as may be agreed upon by commissions, boards and councils.

Any regional planning commission, or the councils or boards respectively of any city, town, or county, are authorized to receive grants-in-aid from the government of the United States or of any of its agencies, and are authorized to enter into any reasonable agreement with any department or agency of the government of the United States to arrange for the receipt of federal funds for planning in the interest of furthering the planning program.

**35.63.080 Restrictions on buildings—Use of land.** The council or board may provide for the preparation by its commission and the adoption and enforcement of coordinated plans for the physical

development of the municipality. For this purpose the council or board, in such measure as is deemed reasonably necessary or requisite in the interest of health, safety, morals and the general welfare, upon recommendation by its commission, by general ordinances of the city or general resolution of the board, may regulate and restrict the location and the use of buildings, structures and land for residence, trade, industrial and other purposes; the height, number of stories, size, construction and design of buildings and other structures; the size of yards, courts and other open spaces on the lot or tract; the density of population; the set-back of buildings along highways, parks or public water frontages; and the subdivision and development of land. A council where such ordinances are in effect, may, on the recommendation of its commission provide for the appointment of a board of adjustment, to make, in appropriate cases and subject to appropriate conditions and safeguards established by ordinance, special exceptions in harmony with the general purposes and intent and in accordance with general or specific rules therein contained.

**35.63.090 Restrictions—Purposes of.** All regulations shall be worked out as parts of a comprehensive plan which each commission shall prepare for the physical and other generally advantageous development of the municipality and shall be designed, among other things, to encourage the most appropriate use of land throughout the municipality; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements.

**35.63.100 Restrictions—Recommendations of commission—Hearings.** The commission may recommend to its council or board the plan prepared by it as a whole, or may recommend parts of the plan by successive recommendations; the parts corresponding with geographic or political sections, division or subdivisions of the municipality, or with functional subdivisions of the subject matter of the plan, or in the case of counties, with suburban settlement or arterial highway area. It may also prepare and recommend any amendment or extension thereof or addition thereto.

Before the recommendation of the initial plan to the municipality the commission shall hold at least one public hearing thereon,

giving notice of the time and place by one publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the municipality. A copy of the ordinance or resolution adopting or embodying such plan or any part thereof or any amendment thereto, duly certified as a true copy by the clerk of the municipality, shall be filed with the county auditor. A like certified copy of any map or plat referred to or adopted by the ordinance or resolution shall likewise be filed with the county auditor. The auditor shall record the ordinance or resolution and keep on file the map or plat.

**35.63.110 Restrictive zones.** For any or all of such purposes the council or board, on recommendation of its commission, may divide the municipality or any portion thereof into districts of such size, shape and area, or may establish such official maps, or development plans for the whole or any portion of the municipality as may be deemed best suited to carry out the purposes of this chapter and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

**35.63.120 Supplemental restrictions—Hearing—Affirmance, disaffirmance, modification of commission's decision.** Any ordinance or resolution adopting any such plan or regulations, or any part thereof, may be amended, supplemented or modified by subsequent ordinance or resolution.

Proposed amendments, supplementations, or modifications shall first be heard by the commission and the decision shall be made and reported by the commission within ninety days of the time that the proposed amendments, supplementations, or modifications were made.

The council or board, pursuant to public hearing called by them upon application therefor by any interested party or upon their own order, may affirm, modify or disaffirm any decision of the commission.

## Chapter 35.66

### POLICE MATRONS

**35.66.010 Authority to establish.** There shall be annexed to the police force of each city in this state having a population of not less than ten thousand inhabitants one or more police matrons who, subject to the control of the chief of police or other proper officer, shall have the immediate care of all females under arrest and while detained in the city prison until they are finally discharged therefrom.

**35.66.020 Appointment.** The police matron or matrons employed or appointed in accordance with the provisions of this chapter shall be employed or appointed in the same manner as other regular members of the police departments in the city where the appointment is made.

**35.66.030 Assistance by police.** Any person on the police force or, in their absence, any other person present, must aid and assist the matron when from necessity she may require it.

**35.66.040 Compensation.** A police matron must be paid such compensation for her services as shall be fixed by the city council and at such time as may be appointed for the payment of policemen.

**35.66.050 Women—Separate quarters.** For the purpose of effecting the main object of this chapter, no female under arrest shall be confined in the same cell or apartment of the city jail or prison, with any man whatever.

### Chapter 35.67

#### SEWERAGE SYSTEMS—REFUSE COLLECTION AND DISPOSAL

**35.67.010 Definitions—“System of sewerage,” “Public utility.”** A “system of sewerage” means and includes:

- (1) Sanitary sewage disposal sewers;
- (2) Combined sanitary sewage disposal and storm or surface water sewers;
- (3) Storm or surface water sewers when the acquisition, construction, or installation, and the maintenance, conduct and operation of the same is found to be necessary by the legislative body of the city or town for the proper and efficient operation of a system of sanitary sewage disposal and treatment or the proper and efficient operation of a combined system of sanitary sewage and storm or surface water disposal and treatment;
- (4) Outfalls for storm or sanitary sewage and works, plants, and facilities for sanitary sewage treatment and disposal, or
- (5) Any combination of or part of any or all of such facilities.

The words “public utility” when used in this chapter shall have the same meaning as the words “system of sewerage.”

**35.67.020 Authority to construct system and fix rates and charges—Classification of services.** Every city and town may construct, condemn and purchase, acquire, add to, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and

betterments thereto, within and without its limits, with full jurisdiction and authority to manage, regulate, and control them and to fix, alter, regulate, and control the rates and charges for the use thereof: *Provided*, That the rates charged must be uniform for the same class of customers or service. In classifying customers served or service furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

**35.67.030 Adoption of plan—Ordinance—Election—Vote required.** Whenever the legislative body of any city or town, shall deem it advisable that such city or town shall purchase, acquire or construct any public utility mentioned in RCW 35.67.020, or make any additions and betterments thereto, or extensions thereof, such legislative body 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 such city or town at a general or special election, except in the following cases where no submission shall be necessary:

(1) When the adoption of a system of sewerage or system for collection and disposal of refuse, and the construction and operation of same, has been required and ordered by the state board of health.

(2) When no general indebtedness is to be incurred by such city or town in the acquiring, construction, maintenance or operation of such public utility, or when the work proposed is an addition or extension thereto or betterment thereof for which no general indebtedness is to be incurred by such city or town.

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 a three-fifths majority of the qualified voters of such city or town voting at said election. 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: *Provided, however*, That where the proposition to be submitted includes a proposed levy of taxes in excess

of the levy to which the same is or may be limited by statute or the Constitution of the state of Washington without a vote of the people, then the procedure to be followed in the holding of such election shall be as prescribed by such statutory or constitutional provision regulating the holding of special elections authorizing levies in excess of such limitation.

**35.67.070 General indebtedness bonds—When issued.** If the state board of health has ordered the adopting of and construction and operation of such system of sewerage or system for collection and disposal of refuse or the proposition has been adopted by vote of the people, who have authorized a general indebtedness therefor, general city or town bonds may be issued.

**35.67.080 General indebtedness bonds—Terms—Denominations.** The bonds shall: (1) Be registered or coupon bonds, (2) be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, (3) be numbered from one upwards consecutively, (4) bear the date of their issue, (5) be serial in form finally maturing not more than thirty years from date, (6) bear interest not exceeding six percent per annum, payable annually or semiannually, with interest coupons attached, and the principal and interest shall be made payable at such place as may be designated.

**35.67.090 General indebtedness bonds—Signatures—Form.** The bonds and each coupon shall be signed by the mayor and attested by the clerk, and the seal of such city or town shall be affixed to each bond, but not the coupons. Signatures on the coupons may be printed or lithographic facsimile of the signatures of said officials. Said bonds shall be printed, engraved or lithographed, on good bond paper.

**35.67.100 General indebtedness bonds—Sale of.** The proceedings relative to the sale of bonds shall be those prescribed by RCW 39.44.030-39.44.060 as now or hereafter amended.

**35.67.110 General Indebtedness—Payment of bonds—Tax levy—Earnings.** There shall be levied each year upon all taxable property within the city or town a tax sufficient to pay the interest on the bonds and the principal thereof as the same matures. These taxes shall become due and collectible as other taxes. In addition thereto the city or town legislative body, may set aside into a special fund any sums or amounts which may accrue from the collection of service rates and charges for the private and public use of said sewerage system or systems for the collection and disposal of refuse, in excess of the cost of operation and maintenance

thereof as constructed or added to, and the same shall be applied solely to the payment of such interest and bonds. If the rates and charges are sufficient therefor no general tax need be levied.

**35.67.120 Revenue bond fund—Authority to establish.** After the city or town legislative body adopts a proposition for any such public utility, and either (1) no general indebtedness has been authorized, or (2) the city or town legislative body does not desire to incur a general indebtedness, and the legislative body can lawfully proceed without submitting the proposition to a vote of the people, it may create a special fund or funds for the sole purpose of defraying the cost of the proposed system, or additions, betterments or extensions thereto.

The city or town legislative body may obligate the city or town to set aside and pay into this special fund: (1) A fixed proportion of the gross revenues of the system, or (2) a fixed amount out of and not exceeding a fixed proportion of the gross revenues, or (3) a fixed amount without regard to any fixed proportion.

**35.67.130 Revenue bond fund—Limitations upon creation.** In creating the special fund, the city or town legislative body shall have due regard to the cost of operation and maintenance of the 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 and other indebtedness. It shall not set aside into the special fund a greater amount or proportion of the revenue and proceeds than in its judgment will be available over and above the cost of maintenance and operation and the amount or proportion of the revenue so previously pledged.

**35.67.140 Revenue bonds—Authority—Denominations—Terms.** A city may issue revenue bonds against the special fund or funds created solely from revenues. The revenue bonds so issued shall: (1) Be registered or coupon bonds, (2) be issued in denominations of not less than one hundred dollars nor more than one thousand dollars, (3) be numbered from one upwards consecutively, (4) bear the date of their issue, (5) be serial in form finally maturing not more than thirty years from their date, (6) bear interest not exceeding the rate of six percent per annum, payable annually or semi-annually, with interest coupons attached, (7) be payable as to principal and interest at such place as may be designated therein, and (8) shall state upon their face that they are payable from a special fund, naming it and the ordinance creating it.

**35.67.150 Revenue bonds—Signatures—Form.** Every revenue bond and coupon shall be signed by the mayor and attested by the clerk. The seal of the city or town shall be attached to all bonds

but not to the coupons. Signatures on the coupons may be printed or may be the lithographic facsimile of the signatures. The bonds shall be printed, engraved or lithographed upon good bond paper.

**35.67.160 Revenue bonds—Obligation against fund, not city.** Revenue bonds or warrants and interest shall be payable only out of the special fund. Every bond or warrant and interest thereon issued against the special fund shall be a valid claim of the holder thereof only as against that fund and its fixed proportion of the amount of revenue pledged to the fund, and shall not constitute an indebtedness of the city or town. Every warrant as well as every bond shall state on its face that it is payable from a special fund, naming it and the ordinance creating it.

**35.67.170 Revenue bonds—Sale of—Other disposition.** Revenue bonds and warrants may be sold in any manner the city or town legislative body deems for the best interests of the city or town. The legislative body may provide in any contract for the construction or acquisition of a proposed utility that payment therefor shall be made only in revenue bonds and warrants at their par value.

**35.67.180 Revenue bonds—Remedy of holders.** If a city fails to set aside and pay into the special fund created for the payment of revenue bonds and warrants the amount which it has obligated itself in the ordinance creating the fund to set aside and pay therein, the holder of any bond or warrant issued against the fund may bring suit against the city or town to compel it to do so.

**35.67.190 Revenues from system—Classification of services—Minimum rates—Compulsory use.** The legislative body of such city or town may provide by ordinance for revenues by fixing rates and charges for the furnishing of service to those served by its system of sewerage or system for refuse collection and disposal, which rates and charges shall be uniform for the same class of customer or service. In classifying customers served or service furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

If special indebtedness bonds or warrants are issued against the



revenues, the legislative body shall by ordinance fix charges at rates which will be sufficient to take care of the costs of maintenance and operation, bond and warrant principal and interest, sinking fund requirements, and all other expenses necessary for efficient and proper operation of the system.

All property owners within the area served by such sewerage system shall be compelled to connect their private drains and sewers with such city or town system, under such penalty as the legislative body of such city or town may by ordinance direct. Such penalty may in the discretion of such legislative body be an amount equal to the charge that would be made for sewer service if the property was connected to such system. All penalties collected shall be considered revenue of the system.

**35.67.192 Storm or surface water sewers—Revenues, charges—Combining with water system.** In the event revenue bonds of any city or town are issued to provide funds to pay part or all of the cost of acquiring, constructing, or installing storm or surface water sewers, or any part thereof necessary for the proper and efficient operation of a system of sanitary sewage disposal and treatment, or the proper and efficient operation of a combined system of sanitary sewage and storm or surface water disposal and treatment, the principal of and interest on such bonds may only be paid from revenues derived from charges made for sanitary sewage disposal service, and charges may not be made for storm or surface water removal. The words “system of sewerage” and “sewerage system” where the same are used in RCW 35.67.190 shall not embrace “system of sewerage” as it is defined in RCW 35.67.010 applicable to storm or surface water sewers, or facilities therefor, only. When storm or surface water sewers only, or outfalls, or facilities therefor, are acquired, constructed, or installed as authorized in RCW 35.67.010, the same may not be combined with, and made a part of, the water system of any city or town as provided in RCW 35.67.320 through 35.67.340 unless such city or town has other sewer lines and facilities that carry, treat, or dispose of both sanitary sewage and storm or surface waters in the same lines or plant.

**35.67.194 Revenue bonds validated.** Any and all water, sewer, or water and sewer revenue bonds part or all of which may have been heretofore (prior to June 8, 1955) issued by any city or town for the purpose of providing funds to pay part or all of the cost of acquiring, constructing, or installing a system of storm or surface water sewers or any part thereof necessary for the proper and efficient operation of a system of sanitary sewage disposal sewers or a sanitary sewage treatment plant, the proceedings for the issuance of which were valid in all other respects, are approved, ratified and

validated, and are declared to be legal and binding obligations of such city or town, both principal of and interest on which are payable only out of the revenues of the utility or utilities pledged for such payment.

**35.67.200 Sewerage lien—Authority.** Cities and towns owning their own sewer systems shall have a lien for delinquent and unpaid rates and charges for sewer service, penalties levied pursuant to RCW 35.67.190, and connection charges, including interest thereon, against the premises to which such service has been furnished or is available, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. The city or town by ordinance may provide that delinquent charges shall bear interest at not exceeding eight percent per annum.

**35.67.210 Sewerage lien—Extent—Notice.** The sewerage lien shall be effective for a total of not to exceed six months' delinquent charges without the necessity of any writing or recording. In order to make such lien effective for more than six months' charges the city or town treasurer, clerk, or official charged with the administration of the affairs of the utility shall cause to be filed for record in the office of the county auditor of the county in which such city or town is located, a notice in substantially the following form:

“Sewerage lien notice

City (or town) of .....

vs.

..... reputed owner.

Notice is hereby given that the city (or town) of .....  
 ..... has and claims a lien for sewer charges against  
 the following described premises situated in .....  
 county, Washington, to wit:

(here insert legal description of premises)

Said lien is claimed for not exceeding six months such charges and interest now delinquent, amount to \$....., and is also claimed for future sewerage charges against said premises.

Dated .....

City (or town) of .....

By .....”

The lien notice may be signed by the city or town treasurer or clerk or other official in charge of the administration of the utility. The lien notice shall be recorded as prescribed by law for the recording of mechanics' liens.

**35.67.220 Sewerage lien foreclosure—Parts—Tracts.** The city or town may foreclose its sewerage lien in an action in the superior court. All or any of the tracts subject to the lien may be proceeded against in the same action, and all parties appearing of

record as owning or claiming to own, having or claiming to have any interest in or lien upon the tracts involved in the action shall be impleaded in the action as parties defendant.

**35.67.230 Sewerage lien foreclosure—Limitation on time of commencement.** An action to foreclose a sewerage lien pursuant to a lien notice filed as required by law must be commenced within two years from the date of the filing thereof.

An action to foreclose a six months' lien may be commenced at any time after six months subsequent to the furnishing of the sewerage service for which payment has not been made.

**35.67.240 Sewerage lien foreclosure—Procedure.** The service of summons, and all other proceedings except as herein otherwise prescribed including appeal, order of sale, sale, redemption, and issuance of deed, shall be governed by the statutes now or hereafter in force relating to the foreclosure of mortgages on real property. The terms "judgment debtor" or "successor in interest" in the statutes governing redemption when applied herein shall include an owner or a vendee.

**35.67.250 Sewerage lien foreclosure—Trial.** A sewerage lien foreclosure action shall be tried before the court without a jury. The court may allow in addition to interest on the service charges at a rate not exceeding eight percent per year from date of delinquency, costs and disbursements as provided by statute and such attorneys' fees as the court may adjudge reasonable.

If the owners and parties interested in any particular tract default, the court may enter judgment of foreclosure and sale as to such parties and tracts and the action may proceed as to the remaining defendants and tracts. The judgment shall specify separately the amount of the sewerage charges, with interest, penalty and costs chargeable to each tract. The judgment shall have the effect of a separate judgment as to each tract described in the judgment, and any appeal shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In the judgment the court shall order the tracts therein described sold at one general sale, and an order of sale shall issue pursuant thereto for the enforcement of the judgment. Judgment may be entered as to any one or more separate tracts involved in the action, and the court shall retain jurisdiction of other properties.

**35.67.260 Sewerage lien foreclosure—Redemption.** All sales shall be subject to the right of redemption within one year from date of sale.

**35.67.270 Sewerage sale acquired property—Disposition.** At any time after deed is issued to it pursuant to lien, a city or town may

lease or sell or convey any property at public or private sale for such price and on such terms as may be determined by resolution of the city or town legislative body, any provision of law, charter or ordinance to the contrary notwithstanding.

**35.67.280 Sewerage sale acquired property—Payment of delinquent taxes.** After the entry of judgment of foreclosure against any tract, the city or town may pay delinquent general taxes or purchase certificates of delinquency for general taxes on the tract or purchase the tract at county tax foreclosure or from the county after foreclosure.

After entry of judgment of foreclosure against any premises the city or town may pay local or special assessments which are delinquent or are about to become delinquent and if the tract has been foreclosed upon for local or special assessments and the time for redemption has not expired, it may redeem it.

No moneys shall be expended for the purposes enumerated in this section except upon enactment by the city or town legislative body of a resolution determining the desirability or necessity of making the expenditure.

**35.67.290 Sewerage lien—Enforcement—Alternative method.** As an additional and concurrent method of enforcing the lien authorized in this chapter any city or town operating its own municipal water system may provide by ordinance for the enforcement of the lien by cutting off the water service from the premises to which such sewer service was furnished after the charges become delinquent and unpaid, until the charges are paid.

The right to enforce the lien by cutting off and refusing water service shall not be exercised after two years from the date of the recording of sewerage lien notice except to enforce payment of six months' charges for which no lien notice is required to be recorded.

**35.67.300 Sewer districts and municipalities—Joint agreements.** Any city, town, or organized and established sewer district owning or operating its own sewer system, whenever topographic conditions shall make it feasible and whenever such existing sewer system shall be adequate therefor in view of the sewerage and drainage requirements of the property in such city, town, or sewer district, served or to be served by such system, may contract with any other city, town, or organized and established sewer district for the discharge into its sewer system of sewage from all or any part or parts of such other city, town, or sewer district upon such terms and conditions and for such periods of time as may be deemed reasonable.

Any city, town, or organized and established sewer district may contract with any other city, town, or organized and established sewer district for the construction and/or operation of any sewer or sewage disposal facilities for the joint use and benefit of the contracting parties upon such terms and conditions and for such period of time as the governing bodies of the contracting parties may determine. Any such contract may provide that the responsibility for the management of the construction and/or maintenance and operation of any sewer disposal facilities or part thereof covered by such contract shall be vested solely in one of the contracting parties, with the other party or parties thereto paying to the managing party such portion of the expenses thereof as shall be agreed upon.

**35.67.310 Sewers—Outside city connections.** Every city or town may permit connections with any of its sewers, either directly or indirectly, from property beyond its limits, upon such terms, conditions and payments as may be prescribed by ordinance, which may be required by the city or town to be evidenced by a written agreement between the city or town and the owner of the property to be served by the connecting sewer.

If any such agreement is made and filed with the county auditor of the county in which said property is located, it shall constitute a covenant running with the land and the agreements and covenants therein shall be binding on the owner and all persons subsequently acquiring any right, title or interest in or to said property.

If the terms and conditions of the ordinance or of the agreement are not kept and performed, or the payments made, as required, the city or town may disconnect the sewer and for that purpose may at any time enter upon any public street or road or upon said property.

**35.67.320 Waterworks—Sewerage system made part of without popular vote.** A city or town operating its own municipal water system may by ordinance provide for the construction of a system of sewerage or additions, extensions, and betterments to an existing system and provide that the system of sewerage, including the additions, extensions, and betterments thereto shall become a part of its water system and that the cost of construction, maintenance, and operation shall be chargeable to the waterworks system, if in the judgment of the city or town legislative body the public health is being endangered by lack of a system of sewerage or the inadequacy of the existing system and that the danger to the public health may be abated by the proposed construction, addition, extension, or betterment: *Provided*, That if a general indebtedness is to be incurred to pay a part or all of the cost of construction, mainte-

nance, or operation, it shall not be incurred without first being authorized by a vote of the people.

**35.67.330 Waterworks—Sewerage system made part of by popular vote.** In any event any city or town may also by a vote of the people authorize its system of sewerage to be operated as a part of and as belonging to its waterworks utility whether or not danger to the public health be involved. The proposition authorizing such operation may be submitted to the voters at a special or general election in the manner as provided in RCW 35.67.030. If a majority of the voters voting at such election shall vote in favor of such proposition, then the same shall be deemed to have carried: *Provided, however,* If at such election there shall also be submitted to the voters any proposition authorizing the incurring of a general indebtedness for the construction of such system of sewerage or of additions, extensions or betterments thereto and such proposition fail to carry by the majority vote required by RCW 35.67.030 in order to incur such indebtedness, then the proposition authorizing the operation of the system of sewerage as a part of the waterworks utility shall be deemed to have failed of passage: *Provided further,* That the rejection by the voters of a proposition under this section shall not prevent the city or town in a proper case from proceeding under RCW 35.67.320.

**35.67.340 Waterworks statutes to govern joint operation.** The operation of a city or town waterworks system of which the system of sewerage has been made a part shall thereafter be governed by the statutes relating to the establishment and maintenance of city and town waterworks systems.

**35.67.350 Penalty for sewer connection without permission.** It is unlawful and a misdemeanor to make or cause to be made or to maintain any sewer connection with any sewer of any city or town, or with any sewer which is connected directly or indirectly with any sewer of any city or town without having permission from the city or town.

## Chapter 35.68

### SIDEWALKS, GUTTERS, CURBS, AND DRIVEWAYS— ALL CITIES AND TOWNS

**35.68.010 Authority conferred.** Any city or town, hereinafter referred to as city, is authorized to construct, reconstruct, and repair sidewalks, gutters and curbs along and driveways across sidewalks, which work is hereafter referred to as the improvement, and to pay the costs thereof from any available funds, or to require the

abutting property owner to construct the improvement at his own cost or expense, or to assess all or any portion of the costs thereof against the abutting property owner.

**35.68.020 Resolution—Contents.** No such improvement shall be undertaken or required except pursuant to a resolution of the council or commission of the city or town, hereinafter referred to as the city council. The resolution shall state whether the cost of the improvement shall be borne by the city or whether all or a specified portion shall be borne by the city or whether all or a specified portion shall be borne by the abutting property owner; or whether the abutting owner is required to construct the improvement at his own cost and expense. If the abutting owner is required to construct the improvement the resolution shall specify the time within which the construction shall be commenced and completed; and further that if the improvement or construction is not undertaken and completed within the time specified that the city will perform or complete the improvement and assess the cost against the abutting owner.

**35.68.030 Resolution—Publication—Notice—Hearing.** If all or any portion of the cost is to be assessed against the abutting property owner, or if the abutting property owner is required to construct the improvement, the resolution shall fix a time from and after its passage, and a place, for hearing on the resolution. The resolution shall be published for two consecutive weeks before the time of hearing in the official newspaper or regularly published official publication of the city or town and a notice of the date of such hearing shall be given each owner or reputed owner of the abutting property by mailing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer, at the address shown thereon a notice of the date of hearing, such mailing to be at least ten days before the date fixed for such hearing. If there be no official newspaper or official publication in the city the resolution may be published in any newspaper of general circulation therein. If the publication and mailing is made as herein required, proof thereof by affidavit shall be filed with the city clerk, comptroller or auditor of the city before the hearing. The hearing may be postponed from time to time to a definite date until the hearing is held. At the time of hearing the council shall hear persons who appear for or against the improvement, and determine whether it will or will not proceed with the improvement and whether it will make any changes in the original plan, and what the changes shall be. This action may be taken by motion adopted in the usual manner.

**35.68.040 "Sidewalk construction fund."** When all or any portion of the cost is to be assessed against the abutting property owner, the city council may create a "sidewalk construction fund No. ...." to be numbered differently for each improvement; and with warrants drawn on this fund the cost of the respective improvements may be paid. The city may advance as a loan to the sidewalk construction fund from any available funds the amounts necessary to pay any costs of the improvement. When any assessments are made for the improvement, payments therefor shall be paid into the particular sidewalk improvement fund; and whenever any funds are available over the amounts necessary to pay outstanding warrants any advances or loans made to the fund shall be repaid. Whenever warrants are drawn on any such fund which are not paid for want of sufficient funds, they shall be so stamped and shall bear interest until called and paid at a rate established by the city council by resolution.

**35.68.050 Assessment roll — Hearing — Notice — Confirmation — Appeal.** Where all or any portion of the costs are to be assessed against the abutting property, an assessment roll shall be prepared by the proper city official or by the city council which shall to the extent necessary be based on benefits and which shall describe the property assessed, the name of the owner, if known, otherwise stating that the owner is unknown and fixing the amount of the assessment. The assessment roll shall be filed with the city clerk, and when so filed the council shall by resolution fix a date for hearing thereon and direct the clerk to give notice of such hearing and the time and place thereof. The notice of hearing shall be mailed to the person whose name appears on the county treasurer's tax roll as the owner or reputed owner of the property, at the address shown thereon, and shall be published before the date fixed for the hearing for two consecutive weeks in the official newspaper or regular official publication of the city, or if there is no official newspaper or official publication, in a newspaper of general circulation in the city. The notice shall be mailed and first publication made at least ten days before the hearing date. Proof of mailing and publication shall be made by affidavit and shall be filed with the city clerk before the date fixed for the hearing. Following the hearing the city council shall by ordinance affirm, modify, or reject or order recasting of the assessment roll. An appeal may be taken to the superior court from the ordinance confirming the assessment roll in the same manner as is provided for appeals from the assessment roll by chapters 35.43 to 35.54 RCW, inclusive, as now or hereafter amended.

**35.68.060 Method of payment of assessments.** The city council shall by resolution provide whether the full amount of the assess-



ment shall be paid in one payment or whether it may be paid in installments and shall prescribe the time and amount of such payments; and if more than one payment is provided for, the city council may by resolution provide for interest on unpaid installments and fix the rate thereof.

**35.68.070 Collection of assessments.** The assessment roll as affirmed or modified by the city council shall be filed with the city treasurer for collection, and the amount thereof including interest, if any, shall become a lien against the property described therein from the date of such filing. Whenever any payment on any assessment or installment is delinquent and unpaid for a period of thirty days or more the lien may be foreclosed in the same manner and with the same effect as is provided by chapters 35.43 to 35.54 RCW, inclusive; as now or hereafter amended. Whenever the deed is issued after the sale therein provided, the regularity, validity and correctness of the proceedings relating to such improvement and the assessment therefor shall be final and conclusive and no action shall thereafter be brought by or in behalf of any person to set aside said deed.

**35.68.080 Construction of chapter.** This chapter is supplemental and additional to any and all other laws relating to construction, reconstruction, and repair of sidewalks, gutters, and curbs along driveways across sidewalks in cities and towns.

### Chapter 35.69

#### **SIDEWALKS—CONSTRUCTION, RECONSTRUCTION IN FIRST, SECOND AND THIRD CLASS CITIES**

**35.69.010 Definitions.** The term "street" as used herein includes boulevard, avenue, street, alley, way, lane, square or place.

The term "city" includes any city of the first, second or third class or any other city of equal population working under a special charter.

The term "sidewalk" includes any and all structures or forms of street improvement included in the space between the street margin and the roadway.

**35.69.020 Resolution of necessity—Liability of abutting property.** Whenever a portion, not longer than one block in length, of any street in any city is not improved by the construction of a sidewalk thereon, or the sidewalk thereon has become unfit or unsafe for purposes of public travel, and such street adjacent to both ends of said portion is so improved and in good repair, and the city council of such city by resolution finds that the improvement of

such portion of such street by the construction or reconstruction of a sidewalk thereon is necessary for the public safety and convenience, the duty, burden, and expense of constructing or reconstructing such sidewalk shall devolve upon the property directly abutting upon such portion: *Provided*, That such abutting property shall not be charged with any costs of construction or reconstruction under this chapter in excess of fifty percent of the valuation of such abutting property, exclusive of improvements thereon, according to the valuation last placed upon it for purposes of general taxation.

**35.69.030 Notice to owners—Service—Contents—Assessment—Collection.** Whenever the city council of any such city has adopted such resolution it shall cause a notice to be served on the owner of the property directly abutting on such portion of such street, instructing him to construct or reconstruct a sidewalk on such portion in accordance with the plans and specifications which shall be attached to such notice. The notice shall be deemed sufficiently served if delivered in person to the owner or if left at the home of such owner with a person of suitable age and discretion then resident therein, or with an agent of such owner, authorized to collect rentals on such property, or, if the owner is a nonresident of the state of Washington, by mailing a copy to his last known address, or if he is unknown or if his address is unknown, then by posting a copy in a conspicuous place at such portion of the street where the improvement is to be made. The notice shall specify a reasonable time within which such construction or reconstruction shall be made, and shall state that in case the owner fails to make the same within such time, the city will proceed to make it through the officer or department thereof charged with the inspection of sidewalks and that such officer or department will report to the city council, at a subsequent date, to be definitely stated in the notice, an assessment roll showing the lot or parcel of land directly abutting on such portion of the street so improved, the cost of the improvement, and the name of the owner, if known, and that the city council at the time stated in the notice or at the time or times to which the same may be adjourned, will hear any and all protests against the proposed assessment. Upon the expiration of the time fixed within which the owner is required to construct or reconstruct such sidewalk, if the owner has failed to perform such work, the city may proceed to perform it, and the officer or department of the city performing the work shall, within the time fixed in the notice, report to the city council an assessment roll showing the lot or parcel of land directly abutting on that portion of the street so improved, the cost of the work, and the name of the owner, if known. The city council shall, at the time

in such notice designated, or at an adjourned time or times, assess the cost of such improvement against said property and shall fix the time and manner for payment thereof, which said assessment shall become a lien upon said property and shall be collected in the manner as is provided by law for collection of local improvements assessments under this title.

**35.69.040 Abutting property defined.** For the purposes of this chapter all property having a frontage upon the sides or margins of any street shall be deemed to be abutting property, and such property shall be chargeable, as provided herein, for all costs of construction or reconstruction or any form of sidewalk improvement between the margin of said street and the roadway lying in front of and adjacent to said property.

**35.69.050 Construction of chapter.** Nothing in this chapter shall be construed to limit or repeal any existing powers of cities with reference to the construction or reconstruction of sidewalks or the improvement or maintenance of streets, but the power and authority herein granted is to be exercised concurrent with or in extension of powers and authority now existing. The legislative authority of any city before exercising the powers and authority herein granted shall, by proper ordinance, provide for the application and enforcement of the same within the limitations herein specified.

## Chapter 35.70

### SIDEWALKS—CONSTRUCTION IN THIRD CLASS CITIES AND TOWNS

**35.70.010 Definitions.** For the purposes of this chapter all property having a frontage on the side or margin of any street or other public place shall be deemed abutting property, and such property shall be chargeable, as provided in this chapter, with all costs of construction of any form of sidewalk improvement, between the margin of said street or other public place and the roadway lying in front of and adjacent to said property, and the term sidewalk as used in this chapter shall be construed to mean and include any and all structures or forms of improvement included in the space between the street margin and the roadway known as the sidewalk area.

**35.70.020 Owners' responsibility.** In all cities of the third class and towns the burden and expense of constructing sidewalks along the side of any street or other public place shall devolve upon and be borne by the property directly abutting thereon.

**35.70.030 Convenience and necessity reported by superintendent.**

If in the judgment of the officer or department having superintendence of streets and public places, public convenience or safety requires that a sidewalk be constructed along either side of any street, he shall report the fact to the city or town council immediately.

**35.70.040 Council's resolution and notice—Adoption.** If upon receiving a report from the proper officer, the city or town council deems the construction of the proposed sidewalk necessary or convenient for the public it shall by an appropriate resolution order the sidewalk constructed and shall cause a written notice to be served upon the owner of each parcel of land abutting upon that portion and side of the street where the sidewalk is constructed requiring him to construct the sidewalk in accordance with the resolution.

**35.70.050 Council's resolution and notice—Contents.** The resolution and notice and order to construct a sidewalk shall:

(1) Describe each parcel of land abutting upon that portion and side of the street where the sidewalk is ordered to be constructed,

(2) Specify the kind of sidewalk required, its size and dimensions, the method and material to be used in construction,

(3) Contain an estimate of the cost thereof, and

(4) State that unless the sidewalk is constructed in compliance with the notice, and within a reasonable time therein specified, the city or town will construct the sidewalk and assess the cost and expense thereof against the abutting property described in the notice.

**35.70.060 Notice of resolution and order—Service.** The notice shall be served:

(1) By delivering a copy to the owner or reputed owner of each parcel of land affected, or to the authorized agent of the owners, or

(2) By leaving a copy thereof at the usual place of abode of such owner in the city or town with a person of suitable age and discretion residing therein, or

(3) If the owner is a nonresident of the city or town and his place of residence is known by mailing a copy to the owner addressed to his last known place of residence, or

(4) If the place of residence of the owner is unknown or if the owner of any parcel of land affected is unknown, by publication in two weekly issues of the official newspaper of such city or town or if there be no official newspaper then in any weekly newspaper published in said city or town. Such notice shall specify a reasonable time within which said sidewalk shall be constructed which

in the case of publication of the notice shall not be less than sixty days from the date of the first publication of such notice.

**35.70.070 Superintendent to construct and prepare assessment roll.** If the notice and order to construct a sidewalk is not complied with within the time therein specified, the officer or department having the superintendence of streets shall proceed to construct said sidewalk forthwith and shall report to the city or town council at its next regular meeting or as soon thereafter as is practicable an assessment roll showing each parcel of land abutting upon the sidewalk, the name of the owner thereof if known, and apportion the cost of said improvement to be assessed against each parcel of such land.

**35.70.080 Hearing on assessment roll—Notice.** Thereupon the city or town council shall set a date for hearing any protests against the proposed assessment roll and shall cause a notice of the time and place of said hearing to be published for two successive weeks in the official newspaper of said city or town or if there is no official newspaper then in any weekly newspaper published in such city or town, the date of said hearing to be not less than thirty days from the date of the first publication of said notice. At the hearing or at any adjournment thereof the council by ordinance shall assess the cost of constructing the sidewalk against the abutting property in accordance with the benefits thereto.

**35.70.090 Lien of assessments and foreclosure.** The assessments shall become a lien upon the respective parcels of land and shall be collected in the manner provided by law for the collection of local improvement assessments and shall bear interest at the rate of six percent per annum from the date of the approval of said assessment thereon.

**35.70.100 Provisions of chapter not exclusive.** This chapter shall not be construed as repealing or amending any provision relating to the improvement of streets or public places by special assessments commonly known as local improvement laws, but shall be considered as additional legislation and auxiliary thereto and the city or town council, of any city of the third class or town before exercising the authority herein granted may by ordinance provide for the application and enforcement of the provisions of this chapter within the limitations herein specified.

**Chapter 35.71****PEDESTRIAN MALLS**

**35.71.010 Definitions.** As used in this chapter, the following terms shall have the meaning herein given to each of them:

“City” means any city or town.

“Chief executive” means the mayor in a mayor-council or commission city and city manager in a council-manager city.

“Corporate authority” means the legislative body of any city.

“Project” means a pedestrian mall project.

“Right of way” means that area of land dedicated for public use or secured by the public for purposes of ingress and egress to abutting property and other public purposes.

“Mall” means an area of land, part of which may be surfaced, landscaped, and used entirely for pedestrian movements, except with respect to governmental functions, utilities, and loading and unloading of goods.

“Mall organization” means a group of property owners, lessors, or lessees in an area that has been organized to consider the establishment, maintenance, and operation of a mall in a given area and persons owning or having any legal or equitable interest in the real property affected by the establishment of the mall.

**35.71.020 Establishment declared public purpose—Authority to establish—General powers.** The establishment of pedestrian malls is declared to be for a public purpose. Any corporate authority, by ordinance, may establish and regulate any street right of way as a mall, may prohibit, in whole or in part, vehicular traffic on a mall, and may provide for the acquisition of any interest in the right of way necessary to its establishment, and may provide for the determination of legal damages, if any, to abutting property.

**35.71.030 Resolution of intention—Traffic limitation—Property owner’s right of ingress and egress.** When the corporate authority determines that the public interest, safety, and convenience is best served by the establishment of a mall and that vehicular traffic will not be unduly inconvenienced thereby, it may adopt a resolution declaring its intention to do so, and announcing the intended extent of traffic limitation. Any corporate authority is authorized to limit the utilization of any right of way, except for utilities and governmental functions, provided adequate alternative routes for vehicular movement, and the loading and unloading of goods are established or are available. The abutting property owner’s right of ingress and egress shall be considered to have been satisfied whenever the corporate authority has planned and constructed, or there is available, an alternate route, alleyway, and service driveway.

**35.71.040 Plan—Alternate vehicle routes—Off-street parking—Hearing, notice.** Before a mall is established, a plan shall be formulated consistent with the city's comprehensive plan, including at least the area of the right of way between two intersecting streets and showing alternate routes outside the mall area upon which any vehicles excluded from using the mall may be accommodated; it may include a provision for on and off-street parking. After the plans have been prepared, the corporate authority shall hold a public hearing thereon, giving notice of time and place at least two weeks in advance of the hearing in a newspaper of general circulation in the city and as required by chapter 42.32 RCW.

**35.71.050 Real estate appraisers—Report.** The corporate authority is authorized to engage duly qualified real estate appraisers, for the purpose of determining the value, or legal damages, if any, to any person, owning or having any legal or equitable interest in any real property who contends that he would suffer damage if a projected mall were established; in connection therewith the city shall take into account any increment in value that may result from the establishment of the mall. The appraisers shall submit their findings in writing to the chief executive of the city.

**35.71.060 Financing methods.** The corporate authority may finance the establishment of a mall, including, but not limited to, right of way improvements, traffic control devices, and off-street parking facilities in the vicinity of the mall, by one or more of the following methods or by a combination of any two or more of them:

(1) By creating local improvement districts under the laws applicable thereto in Title 35.

(2) By issuing revenue bonds pursuant to chapter 35.41 RCW, RCW 35.24.305, chapter 35.92 RCW, RCW 35.81.100, and by such other statutes that may authorize such bonds.

(3) By issuing general obligation bonds pursuant to chapter 39.52 RCW, RCW 35.81.115, and by such other statutes and applicable provisions of the state Constitution that may authorize such bonds.

(4) By use of gifts and donations.

(5) General fund and other available moneys: *Provided*, That if any general fund moneys are expended for a mall, provision may be made for repayment thereof to the general fund from money received from the financing of the mall.

The corporate authority may include within the cost of any mall project the expense of moving utilities, or any facility located within a right of way.

**35.71.070 Waivers and quitclaim deeds—Rights in right of way.** The corporate authority may formulate, solicit, finance and acquire,

purchase, or negotiate the acquisition of waivers and the execution of quitclaim deeds by persons owning or having any legal or equitable interest in the real property affected by the establishment of a mall, conveying the necessary rights to the city to prohibit through vehicular traffic and otherwise limit vehicular access to, and from, such right of way: *Provided*, That the execution of such waivers and quitclaim deeds shall not operate to extinguish the rights of the abutting owner, lessor, or lessee in the right of way, not included in such waiver or quitclaim deed.

**35.71.080 Vacating, replatting right of way for mall purposes.**

The corporate authority, as an alternate to the preceding methods, may find that the right of way no longer is needed as a right of way. When persons owning or having any legal or equitable interest in the real property affected by a proposed mall, present a petition to the corporate authority for vacating the right of way pursuant to chapter 35.79 RCW, or the corporate authority initiates by resolution such a vacation proceeding, a right of way may be vacated and replatted for mall purposes, and closed to vehicular traffic except as provided in RCW 35.71.030, consistent with the subdivision standards allowed by Title 58, and chapter 35.63 RCW.

**35.71.090 "Mall organization"—Powers in general—Directors—Officers.** The corporate authority may cause an organization of persons to be known as a "Mall organization" interested in creating a mall in a given area to be formed to provide for consultative assistance to the city with respect to the establishment and administration of a mall. This organization may elect a board of directors of not less than three nor more than twelve members. The board shall elect a president, a vice president, and a secretary from its membership.

**35.71.100 Special assessment.** After the establishment of the mall, the corporate authority may levy a special assessment on the real property within the area specially benefited by the improvement. Such special levy, if any, shall be for operation and maintenance of the mall and appurtenances thereto, which may not exceed one percent of the aggregate actual valuation of the real property (including twenty-five percent of the actual valuation of the improvements thereon) according to the valuation last placed upon it for purposes of general taxation: *Provided*, That if a mall organization board of directors exists as authorized by RCW 35.71.090, the corporate authority may entertain a recommendation from this organization with respect to such a levy by the corporate authority.



**35.71.110 Claims for damages.** Following the public hearing on the ordinance to establish a mall any person owning or having any legal or equitable interest in property which might be affected by reason of the establishment of the proposed mall or the board of directors of a mall organization shall, within twenty days of such hearing, file with the city clerk a statement describing the real property as to which the claim is made, the nature of the claimant's interest therein, the nature of the alleged damage thereto and the amount of damages claimed. After the receipt thereof, the corporate authority may negotiate with the affected parties concerning them or deny them.

**35.71.120 Contracts with mall organization for administration—Conflicting charter provision.** If the corporate authority desires to have the mall administered by a mall organization rather than by one of its departments, the corporate authority may execute a contract with such an organization for the administration of the mall upon mutually satisfactory terms and conditions: *Provided*, That if any provision of a city charter conflicts with this section, such provision of the city charter shall prevail.

**35.71.130 Election to discontinue mall—Ordinance—Outstanding obligations—Restoration to former status.** The board of directors of a mall organization may call for an election, after the mall has been in operation for two years, at which the voting shall be by secret ballot, on the question: "Shall the mall be continued in operation?" If sixty percent of the membership of the organization vote to discontinue the mall, the results of the election shall be submitted to the corporate authority. The corporate authority may initiate proceedings by ordinance for the discontinuation of the mall, allocate the proportionate amount of the outstanding obligations of the mall to the abutting property of the mall or property specially benefited if a local improvement district is established, subject to the provisions of any applicable statutes and bond ordinances, resolutions, or agreements, and thereafter, at a time set by the corporate authority, the mall may be restored to its former right of way status.

**35.71.910 Chapter controls inconsistent laws.** Insofar as the provisions of this chapter are inconsistent with a provision of any other law, the provisions of this chapter shall be controlling.

### Chapter 35.73

#### STREET GRADES—SANITARY FILLS

**35.73.010 Authority—First and second class cities.** If a city of the first or second class establishes the grade of any street or alley at a higher elevation than any private property abutting thereon,

thereby rendering the drainage of such private property or any part thereof impracticable without the raising of the surface of such private property, or if the surface of any private property in any such city is so low as to make sanitary drainage thereof impracticable and it is determined by resolution of the city council of such city that a fill of such private property is necessary as a sanitary measure, the city may provide therefor, and by general or special ordinance or both make provision for the necessary surveys, estimates, bids, contract, bond and supervision of the work and for making and approving the assessment roll of the local improvement district and for the collection of the assessments made thereby, and for the doing of everything which in their discretion may be necessary or be incidental thereto: *Provided*, That before the approval of the assessment roll, notice shall be given and an opportunity offered for the owners of the property affected by the assessment roll to be heard before such city council in the same manner as in case of assessments for drainage or sewerage in the city.

**35.73.020 Estimates—Intention—Property included—Resolution.** Before establishing a grade for property or providing for the fill of property, the city must adopt a resolution declaring its intention to do so.

The resolution shall:

- (1) Describe the property proposed to be improved by the fill,
- (2) State the estimated cost of making the improvement,
- (3) State that the cost thereof is to be assessed against the property improved thereby, and
- (4) Fix a time not less than thirty days after the first publication of the resolution within which protests against the proposed improvement may be filed with the city clerk.

The resolution may include as many separate parcels of property as may seem desirable whether or not they are contiguous so long as they lie in the same general neighborhood and may be included conveniently in one local improvement district.

**35.73.030 Hearing—Time of—Publication of resolution.** Upon the passage of the resolution the city clerk shall cause it to be published in the official newspaper of the city in at least two successive issues before the time fixed in the resolution for filing protests. Proof of publication by affidavit shall be filed as part of the record of the proceedings.

**35.73.040 Ordinance—Assessments.** If no protest is filed, or if protests are filed by the city council after full hearing determines that it is necessary to fill any portion of the private property it shall proceed to enact an ordinance for such improvement. By the provisions of the ordinance, a local improvement district shall be estab-

lished to be called "local improvement district No. \_\_\_\_\_," which shall include all the property found by the said council to require the fill as a sanitary measure. The ordinance shall provide that such improvement shall be made and shall fix and establish the grades to which the said property and the different portions thereof shall be brought by such improvement, and that the cost and expense thereof shall be taxed and assessed upon all the property in such local improvement district, which cost shall be assessed in proportion to the number of cubic yards of earth and bulkheading required for the different portions of said property included in said improvement district and in proportion to the benefits derived by such improvement: *Provided*, That the city council may expend from the general fund for such purposes such sums as in its judgment may seem fair and equitable in consideration of the benefits accruing to the general public by reason of such improvement.

**35.73.050 Lien of assessments.** Whenever any expense or cost of work has been assessed the amount of such expense and cost shall become a lien upon said lands against which the same are so assessed and shall take precedence of all other liens, except general tax liens and special assessment liens theretofore assessed by the said city thereon and which may be foreclosed in accordance with law in the name of such city as plaintiff. And in any such proceeding if the court trying the same shall be satisfied that the work has been done or material furnished for the fill of such property, a recovery shall be permitted or charge enforced to the extent of the proper proportion of the value of the work or material which would be chargeable on such lot or land notwithstanding any informality, irregularity or defects in any of the proceedings of such municipal corporation or its officers.

**35.73.060 Improvement district bonds—Issuance.** The city may, in its discretion, by general or special ordinance, or both, instead of requiring immediate payment for the said work to be made by the owners of property included in the assessment roll, authorize the issuance of interest bearing bonds or warrants of the local improvement district, payable on or before a date not to exceed twelve years from and after their date. The bonds may be issued subject to call, the amount of the said assessment to be payable in installments or otherwise, and the bonds to be of such terms as may be provided in the ordinances and to bear interest at such rate as may be prescribed in the ordinances, not exceeding eight percent per annum: *Provided*, That if the improvement lies wholly or partly within the boundaries of any commercial waterway district, the bonds may be made payable on or before a date not to exceed twenty-two years from and after the date of their issue.

**35.73.070 Improvement district bonds—Payment—Remedies.** The bonds or warrants shall be payable only from the fund created by the special assessments upon the property in the local improvement district, and the holder of any bond or warrant shall look only to that fund for the payment of the principal and interest thereof and shall have no claim or lien therefor against the city by which the same was issued except from that fund.

**35.73.080 Provisions not exclusive.** The provisions and remedies provided by this chapter for filling lowlands in connection with establishing street grades or for sanitary reasons are cumulative.

## Chapter 35.74

### STREETS—DRAWBRIDGES

**35.74.010 Authority to construct or grant franchise to construct.** Every city and town may erect and maintain drawbridges across navigable streams that flow through or penetrate the boundaries thereof, when the public necessity requires it, or it may grant franchises to persons or corporations to erect them and charge toll thereon.

**35.74.020 Initiation of proceedings—Notice to county commissioners.** If the city or town council desires to erect a drawbridge across any navigable stream on any street, or to grant the privilege so to do to any corporation or individual, it shall notify the board of county commissioners to that effect stating the precise point where such bridge is proposed to be located.

**35.74.030 Determination of width of draw—Appeal.** The board of county commissioners within ten days from the receipt of the notice, if in session, and if not in session, within five days after the first day of the next regular or special session, shall designate the width of the draw to be made in such bridge, and the length of span necessary to permit the free flow of water: *Provided*, That if any persons deem themselves aggrieved by the determination of the matter by the board, they may appeal to the superior court which may hear and determine the matter upon such further notice and on such testimony as it shall direct to be produced.

**35.74.040 Required specifications.** All bridges constructed under the provisions of this chapter must be so constructed as not to obstruct navigation, and must have a draw or swing of sufficient space or span to permit the safe, convenient, and expeditious passage at all times of any steamer or vessel or raft which may navigate the stream or waters bridged.

**35.74.050 City may operate as toll bridges.** A city or town may build and maintain toll bridges and charge and collect tolls thereon, and to that end may provide a system and elect or appoint persons to operate the same, or the said bridges may be made free, as it may elect.

**35.74.060 Prerequisites of grant of franchise—Approval of bridge—Tolls.** Before any franchise to build any bridge across any such navigable stream is granted by any city or town council it shall fix a license tax, not to exceed ten percent of the tolls collected annually. Upon the completion of the bridge the city or town council shall cause it to be inspected and if it is found to comply in all respects with the specifications previously made, and to be safe and convenient for the public, the council shall declare it open as a toll bridge, and shall immediately fix the rates of toll thereof.

**35.74.070 License fees—Renewal of license.** The owner or keeper of any toll bridges in any city or town shall, before the renewal of any license, report to the city or town council under oath, the actual cost of construction and equipment of the toll bridge, the repairs and cost of maintaining it during the preceding year, the amount of tax collected, and the estimated cash value of the bridge, exclusive of the franchise. All funds arising from the license tax shall be paid into the general fund of the city or town.

## Chapter 35.75

### STREETS—BICYCLES—PATHS

**35.75.010 Authority to regulate and license bicycles—Penalties.** Every city and town may by ordinance regulate and license the riding of bicycles and other similar vehicles upon or along the streets, alleys, highways, or other public grounds within its limits and may construct and maintain bicycle paths or roadways within or outside of and beyond its limits leading to or from the city or town. The city or town may provide by ordinance for reasonable fines and penalties for violation of the ordinance.

**35.75.020 Use of bicycle paths for other purposes prohibited.** It shall be unlawful for any person to lead, drive, ride or propel any team, wagon, animal, or vehicle other than a bicycle or similar vehicle upon and along any bicycle path constructed within or without the corporate limits of any city or town excepting at suitable crossings to be provided in the construction of such paths. Any person violating the provisions of this section shall be guilty of a misdemeanor.

**35.75.030 License fees authorized.** Every city and town by ordinance may establish and collect reasonable license fees from all persons riding a bicycle or other similar vehicle within its respective corporate limits, and may enforce the payment thereof by reasonable fines and penalties.

**35.75.040 Rules regulating use of bicycle paths.** The license fee to be paid and the rules regulating the riding of bicycles or other similar vehicles within any city or town shall be fixed by ordinance, and the rules regulating the use of such bicycle paths or roadways constructed or maintained within its limits and the fines and penalties for the violation of such rules shall be fixed by ordinance.

**35.75.050 Bicycle road fund—Sources—Use.** The city or town council shall by ordinance provide that the whole amount or any amount not less than seventy-five percent of all license fees, penalties or other moneys collected under the authority of this chapter shall be paid into and placed to the credit of a special fund to be known as the "bicycle road fund." The moneys in the bicycle road fund shall not be transferred to any other fund and shall be paid out for the sole purpose of building and maintaining bicycle paths and roadways authorized to be constructed and maintained by this chapter or for special policemen, bicycle tags, stationery and other expenses growing out of the regulating and licensing of the riding of bicycles and other vehicles and the construction, maintenance and regulation of the use of bicycle paths and roadways.

## Chapter 35.76

### STREETS—BUDGET AND ACCOUNTING

**35.76.010 Declaration of purpose—Budget and accounting by functional categories.** Records of city street expenditures are generally inadequate to meet the needs of cities for planning and administration of their street programs and the needs of the legislature in providing for city street financing. It is the intent of the legislature that each city and town shall budget and thereafter maintain records and accounts for all street expenditures by functional categories in a manner consistent with its size, administrative capabilities, and the amounts of money expended by it for street purposes.

**35.76.020 Cost accounting and reporting—Cities over eight thousand.** The state auditor, through the division of municipal corporations, shall formulate, prescribe and install a system of cost accounting and reporting for each city having a population of more than eight thousand, according to the last official census, which will cor-

rectly show all street expenditures by functional categories. The system shall also provide for reporting all revenues available for street purposes from whatever source including local improvement district assessments and state and federal aid.

**35.76.030** ————**Cities of eight thousand or less.** Consistent with the intent of this chapter as stated in RCW 35.76.010, the state auditor, from and after July 1, 1965, through the division of municipal corporations, is authorized and directed to prescribe accounting and reporting procedures for street expenditures for cities and towns having a population of eight thousand or less, according to the last official census.

**35.76.040 Manual of instructions.** The state auditor, after consultation with the Association of Washington Cities and the planning division of the state highway commission shall prepare and distribute to the cities and towns a manual of instructions governing accounting and reporting procedures for all street expenditures.

**35.76.050 Cost-audit examination and report.** The division of municipal corporations shall annually make a cost-audit examination of street records for each city and town and make a written report thereon to the legislative body of each city and town. The expense of such examination shall be paid out of that portion of the motor vehicle fund allocated to the cities and towns and withheld for use by the state highway commission under the terms of RCW 46.68.110 (1).

**35.76.060 Budgets.** Expenditures for city and town streets shall be budgeted by each city and town according to the same functional categories prescribed by the state auditor for purposes of accounting and reporting as provided in RCW 35.76.020 and 35.76.030.

In the preparation of city and town budgets, including the preparation and filing of budget estimates, adoption of preliminary budgets and adoption of final budgets, all expenditures for street purposes shall be designated by such functional categories only.

## Chapter 35.77

### **STREETS—PLANNING, ESTABLISHMENT, CONSTRUCTION AND MAINTENANCE**

**35.77.010 Perpetual advanced plans for coordinated street program.** Prior to January 1, 1962, the legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive street program for the ensuing six years and shall file the same with the director of highways not

more than thirty days after its adoption. Biennially thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city street needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive street program, and each two-year extension and revision shall be filed with the director of highways not more than thirty days after its adoption. The purpose of this section shall be to assure that perpetually each city and town shall have available advanced plans, looking to the future for not less than four years as a guide in carrying out a coordinated street construction program. Such program may at any time be revised by a majority of the legislative body of a city or town but only after a public hearing.

**35.77.020 Agreements with county for planning, establishment, construction, and maintenance.** Any city or town may enter into an agreement with the county in which it is located authorizing the county to perform all or any part of the construction, repair, and maintenance of streets in such city or town at such cost as shall be mutually agreed upon. The agreement shall be approved by ordinance of the governing body of the city or town and by resolution of the board of county commissioners.

Any such agreement may include, but shall not be limited to the following:

(1) A provision that the county shall perform all or a specified part of the construction, repair, or maintenance of the city or town streets and bridges to the same standards provided by the county in unincorporated areas, or to increased standards as shall be specified which may include construction, repair, or maintenance of drainage facilities including storm sewers, sidewalks and curbsings, street lighting, and traffic control devices.

(2) A provision that the county may provide engineering and administrative services necessary for the planning, establishment, construction, and maintenance of the streets of the city or town, including engineering and clerical services necessary for the establishment of local improvement districts. In providing such services the county engineer may exercise all the powers and perform all the duties vested by law or by ordinance in the city or town engineer or other officer or department charged with street administration.

(3) A provision that the city or town shall enact ordinances for the administration, establishment, construction, repair, maintenance, regulation, and protection of its streets as may be necessary to authorize the county to lawfully carry out the terms of the agreement.



**35.77.030** ————**County may use road fund—Payments by city—Contracts, bids.** Pursuant to an agreement authorized by RCW 35.77.020, the board of county commissioners may expend funds from the county road fund for the construction, repair, and maintenance of the streets of such city or town and for engineering and administrative services. Payments by a city or town under such an agreement shall be made to the county treasurer and by him deposited in the county road fund. Such construction, repair, maintenance, and engineering service shall be ordered by resolution and proceedings conducted in respect thereto in the same manner as provided for the construction, repair, and maintenance of county roads by counties, and for the preparation of maps, plans and specifications, advertising and award of contracts therefor: *Provided*, That except in case of emergency all construction work performed by a county on city streets pursuant to RCW 35.77.020 through 35.77.040, which exceeds ten thousand dollars, shall be done by contract, unless after advertisement and solicitation of competitive bids it appears that bids are unobtainable or that the lowest bid exceeds the amount for which such construction can be done by means other than contract. No street construction project shall be divided into lesser component parts for the purpose of avoiding the requirements for competitive bidding.

**35.77.040** ————**Act is additional and concurrent method.** RCW 35.77.020 through 35.77.040 shall not repeal, amend, or modify any law providing for joint or cooperative agreements between cities and counties with respect to city streets, but shall be held to be an additional and concurrent method providing for such purpose.

## Chapter 35.78

### **STREETS—CLASSIFICATION AND DESIGN STANDARDS**

**35.78.010** **Classification of streets.** The governing body of each municipal corporation shall classify and designate city streets as follows:

Major arterials, which are defined as transportation arteries which connect the focal points of traffic interest within a city; arteries which provide communications with other communities and the outlying areas; or arteries which have relatively high traffic volume compared with other streets within the city;

Secondary arterials, which are defined as routes which serve lesser points of traffic interest within a city; provide communication with outlying districts in the same degree or serve to collect and distribute traffic from the major arterials to the local streets;

Access streets, which are defined as land service streets and are

generally limited to providing access to abutting property. They are tributary to the major and secondary thoroughfares and generally discourage through traffic.

**35.78.020 State design standards — Committee — Membership.** There is created a state design standards committee of seven members, six of whom shall be appointed by the executive committee of the Association of Washington Cities to hold office at its pleasure and the seventh to be the assistant state director of highways in charge of state aid. The members to be appointed by the executive committee of the Association of Washington Cities shall be restricted to the membership of the association or to those holding office and/or performing the function of chief engineer in any of the several municipalities in the state.

**35.78.030 Committee to adopt uniform design standards.** The design standards committee shall from time to time adopt uniform design standards for major arterial and secondary arterial streets.

**35.78.040 Design standards must be followed by municipalities—Approval of deviations.** The governing body of the several municipalities shall apply the uniform design standards so adopted to all new construction on major arterial and secondary arterial streets, and to reconstruction of old such streets as far as practicable. No deviation from such design standards as to such streets shall be made without approval of the assistant state director of highways for state aid.

## Chapter 35.79

### STREETS—VACATION

**35.79.010 Petition by owners—Fixing time for hearing.** The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the legislative authority to make vacation, giving a description of the property to be vacated, or the legislative authority may itself initiate by resolution such vacation procedure. The petition or resolution shall be filed with the city or town clerk, and, if the petition is signed by the owners of more than two-thirds of the property abutting upon the part of such street or alley sought to be vacated, the legislative authority by resolution shall fix a time when the petition will be heard and determined by such authority or a committee thereof, which time shall not be more than sixty days nor less than twenty days after the date of the passage of such resolution.

**35.79.020 Notice of hearing—Objections prior to hearing.** Upon the passage of the resolution the city or town clerk shall give twenty days' notice of the pendency of the petition by a written notice posted in three of the most public places in the city or town and a like notice in a conspicuous place on the street or alley sought to be vacated. The said notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition. In all cases where the proceeding is initiated by resolution of the city or town council or similar legislative authority without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, in addition to the notice hereinabove required, there shall be given by mail at least fifteen days before the date fixed for the hearing, a similar notice to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street or alley or any part thereof sought to be vacated, as shown on the rolls of the county treasurer, directed to the address thereon shown: *Provided*, That if fifty percent of the abutting property owners file written objection to the proposed vacation with the clerk, prior to the time of hearing, the city shall be prohibited from proceeding with the resolution.

**35.79.030 Hearing—Ordinance of vacation.** The hearing on such petition may be held before the legislative authority, or before a committee thereof upon the date fixed by resolution or at the time said hearing may be adjourned to. If the hearing is before such a committee the same shall, following the hearing, report its recommendation on the petition to the legislative authority which may adopt or reject the recommendation. If such hearing be held before such a committee it shall not be necessary to hold a hearing on the petition before such legislative authority. If the legislative authority determines to grant said petition or any part thereof, such city or town shall be authorized and have authority by ordinance to vacate such street, or alley, or any part thereof: *Provided*, That such ordinance may provide that the city retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services.

**35.79.040 Title to vacated street or alley.** If any street or alley in any city or town is vacated by the city or town council, the property within the limits so vacated shall belong to the abutting property owners, one-half to each.

**35.79.050 Vested rights not affected.** No vested rights shall be affected by the provisions of this chapter.

**Chapter 35.80****UNFIT DWELLINGS, BUILDINGS AND STRUCTURES**

**35.80.010 Declaration of purpose.** It is hereby found that there exist, in municipalities of the state, dwellings which are unfit for human habitation, and buildings and structures which are unfit for other uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents, or other calamities, inadequate ventilation and uncleanliness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, or due to other conditions which are inimical to the health and welfare of the residents of such municipalities.

It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended, and that the necessity of the public interest for the enactment of this law is hereby declared to be a matter of local legislative determination.

**35.80.020 Definitions.** The following terms, however used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Board" shall mean the improvement board as provided for in RCW 35.80.030(1) (a);

(2) "Local governing body" shall mean the council or other legislative body charged with governing the municipality;

(3) "Municipality" shall mean any incorporated city or town in the state;

(4) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulation, or other activities concerning dwellings, buildings, and structures in the municipality.

**35.80.030 Permissible ordinances—Appeal.** (1) Whenever the local governing body of a municipality finds that one or more conditions of the character described in RCW 35.80.010 exist within the municipality, said governing body may adopt ordinances relating to such dwellings, buildings, or structures within the municipality. Such ordinances may provide for the following:

(a) That an "improvement board" or officer be designated or appointed to exercise the powers assigned to such board or officer by the ordinance as specified herein. Said board or officer may be an existing municipal board, or officer, in the municipality, or may be a separate board or officer appointed solely for the purpose of exercising the powers assigned by said ordinance.

If a board is created, the ordinance shall specify the terms, method of appointment, and type of membership of said board, which may be limited, if the local governing body chooses, to public officers as herein defined.

(b) If a board is created, a public officer, other than a member of the improvement board, may be designated to work with the board and carry out the duties and exercise the powers assigned to said public officer by the ordinance.

(c) That if, after a preliminary investigation of any dwelling, building, or structure, the board or officer finds that it is unfit for human habitation or other use, he shall cause to be served either personally or by registered mail upon all persons having any interest therein, as shown upon the records of the auditor's office of the county in which such property is located, and shall post in a conspicuous place on such property, a complaint stating in what respects such dwelling, building, or structure is unfit for human habitation or other use. If the whereabouts of such persons is unknown and the same cannot be ascertained by the board or officer in the exercise of reasonable diligence, and the board or officer shall make an affidavit to the effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in a newspaper published in the municipality, or in the absence of such newspaper, it shall be posted in three public places in the municipality in which the dwellings, buildings, or structures are located. Such complaint shall contain a notice that a hearing will be held before the board or officer, at a place therein fixed, not less than ten days nor more than thirty days after the serving of said complaint; or in the event of publication or posting, not less than fifteen days nor more than thirty days from the date of the first publication and posting; that all parties in interest shall be given the right to file an answer to the complaint, and to appear in person, or otherwise, and to give testimony at the time and place fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the board or officer. A copy of such complaint shall also be filed with the auditor of the county in which the dwelling, building, or structure is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(d) That the board or officer may determine that a dwelling, building, or structure is unfit for human habitation or other use if it finds that conditions exist in such dwelling, building, or structure which are dangerous or injurious to the health or safety of the occupants of such dwelling, building, or structure, the occupants of neighboring dwellings, or other residents of such municipality.

Such conditions may include the following, without limitations: Defects therein increasing the hazards of fire or accident; inadequate ventilation, light, or sanitary facilities, dilapidation, disrepair, structural defects, uncleanliness, overcrowding, or inadequate drainage. The ordinance shall state reasonable and minimum standards covering such conditions, including those contained in ordinances adopted in accordance with subdivision (7) (a) herein, to guide the board or the public officer and the agents and employees of either, in determining the fitness of a dwelling for human habitation, or building or structure for other use.

(e) That the determination of whether a dwelling, building, or structure should be repaired or demolished, shall be based on specific stated standards on (i) the degree of structural deterioration of the dwelling, building, or structure, or (ii) the relationship that the estimated cost of repair bears to the value of the dwelling, building, or structure, with the method of determining this value to be specified in the ordinance.

(f) That if, after the required hearing, the board or officer determines that the dwelling is unfit for human habitation, or building or structure is unfit for other use, it shall state in writing its findings of fact in support of such determination, and shall issue and cause to be served upon the owner or party in interest thereof, as is provided in subdivision (1) (c), and shall post in a conspicuous place on said property, an order which (i) requires the owner or party in interest, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure to render it fit for human habitation, or for other use, or to vacate and close the dwelling, building, or structure, if such course of action is deemed proper on the basis of the standards set forth as required in subdivision (1) (e); or (ii) requires the owner or party in interest, within the time specified on the order, to remove or demolish such dwelling, building, or structure, if this course of action is deemed proper on the basis of said standards. If no appeal is filed, a copy of such order shall be filed with the auditor of the county in which the dwelling, building, or structure is located.

(g) The owner or any party in interest, within thirty days from the date of service upon the owner and posting of an order issued by the board under the provisions of subdivision (c) of this subsection, may file an appeal with the appeals commission.

The local governing body of the municipality shall designate or establish a municipal agency to serve as the appeals commission. The local governing body shall also establish rules of procedure adequate to assure a prompt and thorough review of matters submitted to the appeals commission, and such rules of procedure shall include the following, without being limited thereto: (i) All matters

submitted to the appeals commission must be resolved by the commission within sixty days from the date of filing therewith, and (ii) a transcript of the findings of fact of the appeals commission shall be made available to the owner or other party in interest upon demand.

The findings and orders of the appeals commission shall be reported in the same manner and shall bear the same legal consequences as if issued by the board, and shall be subject to review only in the manner and to the extent provided in subdivision (2) of this section.

If the owner or party in interest, following exhaustion of his rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, or structure, the board or officer may direct or cause such dwelling, building, or structure to be repaired, altered, improved, vacated, and closed, removed, or demolished.

(h) That the amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the board or officer, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. The county treasurer, upon certification to him by the treasurer of the municipality of the assessment amount being due and owing, shall enter the amount of such assessment upon the tax rolls against the property for the current year, and the same shall become a part of the general taxes for that year to be collected at the same time and with the same interest (not to exceed six percent) and penalties, and when collected shall be deposited to the credit of the general fund of the municipality: *Provided*, That if the total assessment due and owing exceeds twenty-five dollars the local governing body shall, upon written request of the owner or party in interest, divide the amount due into ten equal annual installments, subject to earlier payment at the option of owner or party in interest. If the dwelling, building or structure is removed or demolished by the board or officer, the board or officer shall, if possible, sell the materials of such dwelling, building, or structure in accordance with procedures set forth in said ordinance, and shall credit the proceeds of such sale against the cost of the removal or demolition, and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the board or officer, after deducting the cost incident thereto.

(2) Any person affected by an order issued by the appeals commission pursuant to subdivision (1)(f) hereof may, within thirty days after the posting and service of the order, petition the superior court for an injunction restraining the public officer or members of the board from carrying out the provisions of the order. In all such

proceedings the court is authorized to affirm, reverse, or modify the order and such trial shall be heard de novo.

(3) An ordinance adopted by the local governing body of the municipality may authorize the board or officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this section. These powers shall include the following in addition to others herein granted: (a) (i) to determine which dwellings within the municipality are unfit for human habitation; (ii) to determine which buildings or structures are unfit for other use; (b) to administer oaths and affirmations, examine witnesses and receive evidence; and (c) to investigate the dwelling and other use conditions in the municipality and to enter upon premises for the purpose of making examinations when the board or officer has reasonable ground for believing they are unfit for human habitation, or for other use, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted.

(4) The local governing body of any municipality adopting an ordinance pursuant to this chapter may appropriate the necessary funds to administer such ordinance.

(5) Nothing in this section shall be construed to abrogate or impair the powers of the courts or of any department of any municipality to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law.

(6) Nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

(7) Any municipality may (by ordinance adopted by its governing body) (a) prescribe minimum standards for the use and occupancy of dwellings throughout the municipality, (b) prescribe minimum standards for the use or occupancy of any building or structure used for any other purpose, (c) prevent the use or occupancy of any dwelling, building, or structure, which is injurious to the public health, safety, morals, or welfare, and (d) prescribe punishment for the violation of any provision of such ordinance.

**35.80.040 Discrimination prohibited.** For all the purposes of this chapter and the ordinances adopted as provided herein, no person shall, because of race, creed, color, or national origin, be subjected to any discrimination.



**Chapter 35.81****URBAN RENEWAL LAW**

**35.81.010 Definitions.** The following terms wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Agency" or "urban renewal agency" shall mean a public agency created by RCW 35.81.160.

(2) "Blighted area" shall mean an area which, by reason of the substantial physical dilapidation, deterioration, defective construction, material, and arrangement and/or age or obsolescence of buildings or improvements, whether residential or nonresidential, inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality; inappropriate or mixed uses of land or buildings; high density of population and overcrowding; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness; excessive land coverage; insanitary or unsafe conditions; deterioration of site; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime; substantially impairs or arrests the sound growth of the city or its environs, retards the provision of housing accommodations or constitutes an economic or social liability, and/or is detrimental, or constitutes a menace, to the public health, safety, welfare, and morals in its present condition and use.

(3) "Bonds" shall mean any bonds, notes, or debentures (including refunding obligations) herein authorized to be issued.

(4) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(5) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(6) "Local governing body" shall mean the council or other legislative body charged with governing the municipality.

(7) "Mayor" shall mean the chief executive of a city or town.

(8) "Municipality" shall mean any incorporated city or town in the state.

(9) "Obligee" shall include any bondholder, agent or trustees for any bondholders, or lessor demising to the municipality property used in connection with an urban renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(10) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or school district; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(11) "Public body" shall mean the state or any municipality, township, board, commission, district, or any other subdivision or public body of the state.

(12) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

(13) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(14) "Redevelopment" may include (a) acquisition of a blighted area or portion thereof; (b) demolition and removal of buildings and improvements; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this chapter in accordance with the urban renewal plan, and (d) making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with the urban renewal plan.

(15) "Rehabilitation" may include the restoration and renewal of a blighted area or portion thereof, in accordance with an urban renewal plan, by (a) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements (b) acquisition of real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of

this chapter; and (d) the disposition of any property acquired in such urban renewal area (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with such urban renewal plan.

(16) "Urban renewal area" means a blighted area which the local governing body designates as appropriate for an urban renewal project or projects.

(17) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (a) shall conform to the comprehensive plan or parts thereof for the municipality as a whole; and (b) shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(18) "Urban renewal project" may include undertakings or activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of blight, and may involve redevelopment in an urban renewal area, or rehabilitation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan.

**35.81.020 Declaration of purpose and necessity.** It is hereby found and declared that blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the state exist in municipalities of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime and depreciation of property values, constitutes an economic and social liability, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of such areas is a matter of state policy and state concern in order that the state and its municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, are conducive to fires, are difficult to police and to provide police protection for, and, while contributing little to the tax income of the state and its municipalities, consume an excessive proportion of its revenues because of the extra services required for police,

fire, accident, hospitalization and other forms of public protection, services, and facilities.

It is further found and declared that certain of such areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this chapter, since the prevailing condition of decay may make impracticable the reclamation of the area by rehabilitation; that other areas or portions thereof may, through the means provided in this chapter, be susceptible of rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented; and that to the extent feasible salvable blighted areas should be rehabilitated through voluntary action and the regulatory process.

It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended and the power of eminent domain exercised; and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.

**35.81.030 Encouragement of private enterprise.** A municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this chapter, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of the urban renewal area by private enterprise. A municipality shall give consideration to this objective in exercising its powers under this chapter, including the formulation of a workable program, the approval of urban renewal plans (consistent with the comprehensive plan or parts thereof for the municipality), the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provision of necessary public improvements.

**35.81.040 Formulation of workable program.** A municipality for the purposes of this chapter may formulate a workable program for utilizing appropriate private and public resources to eliminate, and prevent the development or spread of, blighted areas, to encourage needed urban rehabilitation, to provide for the redevelopment of such areas, or to undertake such of the aforesaid activities, or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for: The prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of

housing, zoning, and occupancy controls and standards; the rehabilitation of blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds and other public improvements, by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of blighted areas or portions thereof.

**35.81.050 Findings by local governing body required.** No municipality shall exercise any of the powers hereafter conferred upon municipalities by this chapter until after its local governing body shall have adopted a resolution finding that: (1) One or more blighted areas exist in such municipality; and (2) the rehabilitation, redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of such municipality.

**35.81.060 Comprehensive plan — Preparation — Hearing — Approval—Modification—Effect.** (1) A municipality shall not approve an urban renewal project for an urban renewal area unless the local governing body has, by resolution, determined such area to be a blighted area and designated such area as appropriate for an urban renewal project. The local governing body shall not approve an urban renewal plan until a comprehensive plan or parts of such plan for an area which would include an urban renewal area for the municipality have been prepared as provided in chapter 35.63 RCW. For this purpose and other municipal purposes, authority is hereby vested in every municipality to prepare, to adopt, and to revise from time to time, a comprehensive plan or parts thereof for the physical development of the municipality as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related municipal planning activities, and to make available and to appropriate necessary funds therefor. A municipality shall not acquire real property for an urban renewal project unless the local governing body has approved the urban renewal project plan in accordance with subsection (4) hereof.

(2) The municipality may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to the municipality. Prior to its approval of an urban renewal project, the local governing body shall submit such plan to the planning commission of the municipality for review and recommendations as to its conformity with the comprehensive plan or parts thereof for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban

renewal plan to the local governing body within sixty days after receipt of it. Upon receipt of the recommendations of the planning commission, or if no recommendations are received within sixty days, then without such recommendations, the local governing body may proceed with the hearing on the proposed urban renewal project plan prescribed by subsection (3) hereof.

(3) The local governing body shall hold a public hearing on an urban renewal plan after public notice thereof. Such notice shall be given by publication once each week for two consecutive weeks not less than ten nor more than thirty days prior to the date of the hearing in a newspaper having a general circulation in the urban renewal area of the municipality and by mailing a notice of such hearing not less than ten days prior to the date of the hearing to the persons whose names appear on the county treasurer's tax roll as the owner or reputed owner of the property, at the address shown on the tax roll. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban renewal area affected, and shall outline the general scope of the urban renewal plan under consideration.

(4) Following such hearing, the local governing body may approve an urban renewal project if it finds that (a) a workable and feasible plan exists for making available adequate housing for the persons who may be displaced by the project; (b) the urban renewal plan conforms to the comprehensive plan or parts thereof for the municipality as a whole; (c) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; and (d) a sound and adequate financial program exists for the financing of said project; (e) the urban renewal project area is a blighted area as defined in RCW 35.81.010(2).

(5) An urban renewal project plan may be modified at any time by the local governing body: *Provided*, That if modified after the lease or sale by the municipality of real property in the urban renewal project area, such modification shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest may be entitled to assert.

(6) Upon the approval of an urban renewal project by a municipality, the provisions of the urban renewal plan with respect to the future use and building requirements applicable to the property covered by said plan shall be controlling with respect thereto.

**35.81.070 Powers of municipality.** Every municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To undertake and carry out urban renewal projects within the municipality, to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter, and to disseminate blight clearance and urban renewal information.

(2) To provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for, or in connection with, an urban renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of an urban renewal project, and to include in any contract let in connection with such a project, provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

(3) Within the municipality, to enter upon any building or property in any urban renewal area, in order to make surveys and appraisals, provided that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain, or otherwise, any real property and such personal property as may be necessary for the administration of the provisions herein contained, together with any improvements thereon; to hold, improve, clear, or prepare for redevelopment any such property; to dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance: *Provided*, That no statutory provision with respect to the acquisition, clearance, or disposition of property by public bodies shall restrict a municipality in the exercise of such functions with respect to an urban renewal project.

(4) To invest any urban renewal project funds held in reserves or sinking funds or any such funds which are not required for immediate disbursement, in property or securities in which mutual savings banks may legally invest funds subject to their control; to redeem such bonds as have been issued pursuant to RCW 35.81-.100 at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

(5) To borrow money and to apply for, and accept, advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county, or other public body, or from any sources, public or private, for the purposes of this chapter, and to enter into and carry out contracts in connection therewith. A municipality may include in any application or contract for financial assistance with the federal government for an urban renewal project such conditions imposed pursuant to federal laws as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this chapter.

(6) Within the municipality, to make or have made all plans necessary to the carrying out of the purposes of this chapter and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify, and amend such plans. Such plans may include, without limitation: (a) a comprehensive plan or parts thereof for the locality as a whole, (b) urban renewal plans, (c) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (d) plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, and (e) appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of urban renewal projects. The municipality is authorized to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of urban blight and to apply for, accept, and utilize grants of, funds from the federal government for such purposes.

(7) To prepare plans for the relocation of families displaced from an urban renewal area, and to coordinate public and private agencies in such relocation, including requesting such assistance for this purpose as is available from other private and governmental agencies, both for the municipality and other parties.

(8) To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this chapter, and in accordance with state law: (a) levy taxes and assessments for such purposes; (b) acquire land by negotiation and/or eminent domain; (c) close, vacate, plan, or replan streets, roads, sidewalks, ways or other places; (d) plan or replan, zone or rezone any part of the municipality; (e) adopt annual budgets for the operation of an urban renewal agency, department, or offices vested with urban renewal project powers under RCW 35.81.150; (f) enter into agreements with such agencies or departments (which agreements



may extend over any period) respecting action to be taken by such municipality pursuant to any of the powers granted by this chapter.

(9) Within the municipality, to organize, coordinate, and direct the administration of the provisions of this chapter as they apply to such municipality in order that the objective of remedying blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved, and to establish such new office or offices of the municipality or to reorganize existing offices in order to carry out such purpose most effectively.

(10) To exercise all or any part or combination of powers herein granted.

**35.81.080 Eminent domain.** A municipality shall have the right to acquire by condemnation, in accordance with the procedure provided for condemnation by such municipality for other purposes, any interest in real property, which it may deem necessary for an urban renewal project under this chapter after the adoption by the local governing body of a resolution declaring that the acquisition of the real property described therein is necessary for such purpose. Condemnation for urban renewal of blighted areas is declared to be a public use, and property already devoted to any other public use or acquired by the owner or his predecessor in interest by eminent domain may be condemned for the purposes of this chapter.

The award of compensation for real property taken for such a project shall not be increased by reason of any increase in the value of the real property caused by the assembly, clearance, or reconstruction, or proposed assembly, clearance, or reconstruction in the project area. No allowance shall be made for the improvements begun on real property after notice to the owner of such property of the institution of proceedings to condemn such property. Evidence shall be admissible bearing upon the insanitary, unsafe, or substandard condition of the premises, or the unlawful use thereof.

**35.81.090 Disposal of real property in urban renewal area.** (1) A municipality may sell, lease, or otherwise transfer real property or any interest therein acquired by it for an urban renewal project, in an urban renewal area for residential, recreational, commercial, industrial, or other uses or for public use, and may enter into contracts with respect thereto, or may retain such property or interest only for parks and recreation, education, public utilities, public transportation, public safety, health, highways, streets, and alleys, administrative buildings, or civic centers, in accordance with the urban renewal project plan, subject to such covenants, conditions,

and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of blighted areas or otherwise to carry out the purposes of this chapter: *Provided*, That such sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the urban renewal plan by the local governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin, within a reasonable time, any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, a municipality shall take into account, and give consideration to, the uses provided in such plan; the restrictions upon, and the covenants, conditions, and obligations assumed by, the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease, or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any and all improvements which he has obligated himself to construct thereon. Real property acquired by a municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible, in the public interest, consistent with the carrying out of the provisions of the urban renewal plan. The inclusion in any such contract or conveyance to a purchaser or lessee of any such covenants, restrictions, or conditions (including the incorporation by reference therein of the provisions of an urban renewal plan or any part thereof) shall not prevent the recording of such contract or conveyance in the land records of the auditor or the county in which such city or town is located, in such manner as to afford actual or constructive notice thereof.

(2) A municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this subsection. A municipality may, by public notice by publication once each week for three consecutive weeks in a newspaper having a general circulation in the community, prior

to the execution of any contract or deed to sell, lease, or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite bids from, and make available all pertinent information to, private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all redevelopment or rehabilitation bids and the financial and legal ability of the persons making such bids to carry them out. The municipality may accept such bids as it deems to be in the public interest and in furtherance of the purposes of this chapter. Thereafter, the municipality may execute, in accordance with the provisions of subsection (1), and deliver contracts, deeds, leases, and other instruments of transfer.

(3) A municipality may operate and maintain real property acquired in an urban renewal area for a period of three years pending the disposition of the property for redevelopment, without regard to the provisions of subsection (1) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan: *Provided*, That the municipality may, after a public hearing, extend the time for a period not to exceed three years.

**35.81.100 Bonds—Issuance—Form, terms, payment, etc.** (1) A municipality shall have the power to issue bonds from time to time in its discretion to finance the undertaking of any urban renewal project under this chapter, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans for urban renewal projects, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall not pledge the general credit of the municipality and shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from, or held in connection with, its undertaking and carrying out of urban renewal projects under this chapter: *Provided*, That payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other source, in aid of any urban renewal projects of the municipality under this chapter.

(2) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to the provisions of any other law or charter relating to the authorization,

issuance, or sale of bonds. Bonds issued under the provisions of this chapter are declared to be issued for an essential public and governmental purpose, and together with interest thereon and income therefrom, shall be exempted from all taxes.

(3) Bonds issued under this section shall be authorized by resolution or ordinance of the local governing body and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, not exceeding six percent per annum, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(4) Such bonds may be sold at not less than ninety-eight percent of par at public or private sale, or may be exchanged for other bonds on the basis of par: *Provided*, That such bonds may be sold to the federal government at private sale at not less than par and, in the event less than all of the authorized principal amount of such bonds is sold to the federal government, the balance may be sold at public or private sale at not less than ninety-eight percent of par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the federal government.

(5) The municipality may annually pay into a fund to be established for the benefit of such bonds any and all excess of the taxes received by it from the same property over and above the average of the annual taxes authorized without vote for a five-year period immediately preceding the acquisition of the property by the municipality for renewal purposes, such payment to continue until such time as all bonds payable from the fund are paid in full. Any other taxing unit in a municipality is authorized to allocate a like amount of such excess taxes to the municipality or municipalities in which it is situated.

(6) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

(7) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this chapter or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the provisions of this chapter.

**35.81.110 Bonds as legal investment, security.** All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business, all insurance companies, insurance associations, and other persons carrying on an insurance business and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by a municipality pursuant to this chapter: *Provided*, That such bonds and other obligations shall be secured by an agreement between the issuer and the federal government in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, moneys in an amount which (together with any other moneys irrevocably committed to the payment of interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which moneys under the terms of said agreement are required to be used for the purpose of paying the principal of, and the interest on, such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

**35.81.115 General obligation bonds authorized.** For the purposes of this chapter a municipality may (in addition to any authority to issue bonds pursuant to RCW 35.81.100) issue and sell its general obligation bonds. Any bonds issued by a municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by the laws of this state for the issuance and authorization of bonds by such municipality for public purposes generally.

**35.81.120 Property of municipality exempt from process and taxes.** (1) All property of a municipality, including funds, owned or held by it for the purposes of this chapter, shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against a municipality be a charge or lien upon such property: *Provided*, That the provisions of this section shall not apply to, or limit the right of, obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this chapter by a municipality on its rents, fees, grants, or revenues from urban renewal projects.

(2) The property of a municipality, acquired or held for the purposes of this chapter, is declared to be public property used for essential public and governmental purposes and such property shall be exempt from all taxes of the municipality, the county, the state, or any political subdivision thereof: *Provided*, That such tax exemption shall terminate when the municipality sells, leases, or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body or other organization normally entitled to tax exemption with respect to such property.

**35.81.130 Aid by public bodies.** (1) For the purpose of aiding in the planning, undertaking, or carrying out of an urban renewal project located within the area in which it is authorized to act, any public body authorized by law or by this chapter, may, upon such terms, with or without consideration, as it may determine: (a) Dedicate, sell, convey, or lease any of its interest in any property, or grant easements, licenses, or other rights or privileges therein to a municipality; (b) incur the entire expense of any public improvements made by such public body, in exercising the powers granted in this section; (c) do any and all things necessary to aid or cooperate in the planning or carrying out of an urban renewal plan; (d) lend, grant, or contribute funds to a municipality; (e) enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with a municipality or other public body respecting action to be taken pursuant to any of the powers granted by this chapter, including the furnishing of funds or other assistance in connection with an urban renewal project, and (f) cause public building and public facilities, including parks, playgrounds, recreational, community, educational, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways, or other places; plan or replan, zone or rezone any part of the urban renewal area; and provide such admin-

istrative and other services as may be deemed requisite to the efficient exercise of the powers herein granted.

(2) Any sale, conveyance, lease, or agreement provided for in this section shall be made by a public body with appraisal, public notice, advertisement, or public bidding in accordance with the provisions of RCW 35.81.090(2).

**35.81.140 Conveyance to purchaser, etc. presumed to be in compliance with chapter.** Any instrument executed by a municipality and purporting to convey any right, title, or interest in any property under this chapter shall be conclusively presumed to have been executed in compliance with the provisions of this chapter insofar as title or other interest of any bona fide purchasers, lessees, or transferees of such property is concerned.

**35.81.150 Exercise of urban renewal project powers.** (1) A municipality may itself exercise its urban renewal project powers (as herein defined) or may, if the local governing body by resolution determines such action to be in the public interest, elect to have such powers exercised by the urban renewal agency (created by RCW 35.81.160) or a department or other officers of the municipality or by any existing public body corporate, as they are authorized to exercise under this chapter.

(2) In the event the local governing body makes such determination, such body may authorize the urban renewal agency or department or other officers of the municipality to exercise any of the following urban renewal project powers:

(a) To formulate and coordinate a workable program as specified in RCW 35.81.040.

(b) To prepare urban renewal plans.

(c) To prepare recommended modifications to an urban renewal project plan.

(d) To undertake and carry out urban renewal projects as required by the local governing body.

(e) To make and execute contracts as specified in RCW 35.81.070, with the exception of contracts for the purchase or sale of real or personal property.

(f) To disseminate blight clearance and urban renewal information.

(g) To exercise the powers prescribed by RCW 35.81.070(2), except the power to agree to conditions for federal financial assistance and imposed pursuant to federal law relating to salaries and wages, shall be reserved to the local governing body.

(h) To enter any building or property, in any urban renewal area, in order to make surveys and appraisals in the manner specified in RCW 35.81.070(3).

(i) To improve, clear, or prepare for redevelopment any real or personal property in an urban renewal area.

(j) To insure real or personal property as provided in RCW 35.81.070(3).

(k) To effectuate the plans provided for in RCW 35.81.070(6).

(l) To prepare plans for the relocation of families displaced from an urban renewal area and to coordinate public and private agencies in such relocation.

(m) To prepare plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.

(n) To conduct appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of urban renewal projects.

(o) To negotiate for the acquisition of land.

(p) To study the closing, vacating, planning, or replanning of streets, roads, sidewalks, ways, or other places and to make recommendations with respect thereto.

(q) To organize, coordinate, and direct the administration of the provisions of this chapter.

(r) To perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and the performance of the duties and responsibilities entrusted to the local governing body.

Any powers granted in this chapter that are not included in RCW 35.81.150(2) as powers of the urban renewal agency or a department or other officers of a municipality in lieu thereof, may only be exercised by the local governing body or other officers, boards, and commissions as provided under existing law.

**35.81.160 ———Assignment of powers—Urban renewal agency.**

(1) When a municipality has made the finding prescribed in RCW 35.81.050 and has elected to have the urban renewal project powers, as specified in RCW 35.81.150, exercised, such urban renewal project powers may be assigned to a department or other officers of the municipality or to any existing public body corporate, or the legislative body of a city may create an urban renewal agency in such municipality to be known as a public body corporate to which such powers may be assigned.

(2) If the urban renewal agency is authorized to transact business and exercise powers hereunder, the mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the urban renewal agency which shall consist of five commissioners. The initial membership shall consist of one commissioner appointed for one year, one for two years, one



for three years, and two for four years; and each appointment thereafter shall be for four years.

(3) A commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers and responsibilities of an urban renewal agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers and responsibilities of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws shall require a larger number. Any persons may be appointed as commissioners if they reside within the municipality.

The urban renewal agency or department or officers exercising urban renewal project powers shall be staffed with the necessary technical experts and such other agents and employees, permanent and temporary, as it may require. An agency authorized to transact business and exercise powers under this chapter shall file, with the local governing body, on or before March 31st of each year, a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expense as of the end of such calendar year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality and that the report is available for inspection during business hours in the office of the city clerk and in the office of the agency.

(4) For inefficiency, neglect of duty, or misconduct in office, a commissioner may be removed.

**35.81.170 Discrimination prohibited.** For all of the purposes of this chapter, no person shall, because of race, creed, color, or national origin, be subjected to any discrimination.

**35.81.180 Restrictions against public officials or employees acquiring or owning an interest in project, contract, etc.** No public official, department or division head of a municipality or urban renewal agency or department or officers which have been vested by a municipality with urban renewal project powers and responsibilities under RCW 35.81.150, shall voluntarily acquire any interest, direct or indirect, in any urban renewal project, or in any

property included or planned to be included in any urban renewal project of such municipality, or in any contract or proposed contract in connection with such urban renewal project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body and such disclosure shall be entered upon the minutes of the governing body. If any such official, department or division head owns or controls, or owned or controlled within two years prior to the date of hearing on the urban renewal project, any interest, direct or indirect, in any property which he knows is included in an urban renewal project, he shall immediately disclose this fact in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body, and any such official, department or division head shall not participate in any action on that particular project by the municipality or urban renewal agency, department, or officers which have been vested with urban renewal project powers by the municipality pursuant to the provisions of RCW 35.81.150. A majority of the commissioners of an urban renewal agency exercising powers pursuant to this chapter shall not hold any other public office under the municipality other than their commissionership or office with respect to such urban renewal agency, department, or officers. Any violation of the provisions of this section shall constitute misconduct in office.

**35.81.910 Short title.** This chapter shall be known and may be cited as the "Urban Renewal Law."

## Chapter 35.82

### HOUSING AUTHORITIES LAW

**35.82.010 Finding and declaration of necessity.** It is hereby declared: (1) that there exist in the state insanitary or unsafe dwelling accommodations and that persons of low income are forced to reside in such insanitary or unsafe accommodations; that within the state there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford and that such persons are forced to occupy overcrowded and congested dwelling accommodations; that the aforesaid conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the state and impair economic values; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities; (2) that these areas in the state cannot be cleared, nor can the

shortage of safe and sanitary dwellings for persons of low income be relieved, through the operation of private enterprise, and that the construction of housing projects for persons of low income (as herein defined) would therefore not be competitive with private enterprise; (3) that the clearance, replanning and reconstruction of the areas in which insanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern; (4) that it is in the public interest that work on projects for such purposes be commenced as soon as possible in order to relieve unemployment which now (1939) constitutes an emergency; and the necessity in the public interest for the provisions hereinafter enacted, is hereby declared as a matter of legislative determination.

**35.82.020 Definitions.** The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

(1) "Authority" or "Housing Authority" shall mean any of the public corporations created by RCW 35.82.030.

(2) "City" shall mean any city of any class. "County" shall mean any county in the state. "The city" shall mean the particular city for which a particular housing authority is created. "The county" shall mean the particular county for which a particular housing authority is created.

(3) "Governing body" shall mean, in the case of a city, the city council or the commission and in the case of a county, the board of county commissioners.

(4) "Mayor" shall mean the mayor of the city or the officer thereof charged with the duties customarily imposed on the mayor or executive head of the city.

(5) "Clerk" shall mean the clerk of the city or the clerk of the board of county commissioners, as the case may be, or the officer charged with the duties customarily imposed on such clerk.

(6) "Area of operation": (a) in the case of a housing authority of a city, shall include such city and the area within five miles from the territorial boundaries thereof: *Provided*, That the area of operation of a housing authority of any city shall not include any area which lies within the territorial boundaries of some other city, as herein defined; (b) in the case of a housing authority of a county, shall include all of the county except that portion which lies within the territorial boundaries of any city as herein defined.

(7) "Federal government" shall include the United States of America, the United States housing authority or any other agency

or instrumentality, corporate or otherwise, of the United States of America.

(8) "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health and morals.

(9) "Housing project" shall mean any work or undertaking: (a) to demolish, clear or remove buildings from any slum area; such work or undertaking may embrace the adaptation of such area to public purposes, including parks or other recreational or community purposes; or (b) to provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, welfare or other purposes; or (c) to accomplish a combination of the foregoing. The term "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

(10) "Persons of low income" shall mean persons or families who lack the amount of income which is necessary (as determined by the authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(11) "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by the authority pursuant to this chapter.

(12) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or use in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

(13) "Obligee of the authority" or "obligee" shall include any bondholder, trustee or trustees for any bondholders, or lessor demising to the authority property used in connection with a housing project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority.

**35.82.030 Creation of housing authorities.** In each city (as herein defined) and in each county of the state there is hereby created a

public body corporate and politic to be known as the "Housing Authority" of the city or county: *Provided, however,* That such authority shall not transact any business or exercise its powers hereunder until or unless the governing body of the city or the county, as the case may be, by proper resolution shall declare at any time hereafter that there is need for an authority to function in such city or county. The determination as to whether or not there is such need for an authority to function (1) may be made by the governing body on its own motion or (2) shall be made by the governing body upon the filing of a petition signed by twenty-five residents of the city or county, as the case may be, asserting that there is need for an authority to function in such city or county and requesting that the governing body so declare.

The governing body shall adopt a resolution declaring that there is need for a housing authority in the city or county, as the case may be, if it shall find (1) that insanitary or unsafe inhabited dwelling accommodations exist in such city or county or (2) that there is a shortage of safe or sanitary dwelling accommodations in such city or county available to persons of low income at rentals they can afford. In determining whether dwelling accommodations are unsafe or insanitary said governing body may take into consideration the degree of overcrowding, the percentage of land coverage, the light, air, space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution by the governing body declaring the need for the authority. Such resolution or resolutions shall be deemed sufficient if it declares that there is such need for an authority and finds in substantially the foregoing terms (no further detail being necessary) that either or both of the above enumerated conditions exist in the city or county, as the case may be. A copy of such resolution duly certified by the clerk shall be admissible in evidence in any suit, action or proceeding.

**35.82.040 Appointment, qualifications and tenure of commissioners.** When the governing body of a city adopts a resolution as aforesaid, it shall promptly notify the mayor of such adoption. Upon receiving such notice, the mayor shall appoint five persons as commissioners of the authority created for said city. When the governing body of a county adopts a resolution as aforesaid, said

body shall appoint five persons as commissioners of the authority created for said county. The commissioners who are first appointed shall be designated to serve for terms of one, two, three, four and five years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of office of five years except that all vacancies shall be filled for the unexpired term. No commissioner of an authority may be an officer or employee of the city or county for which the authority is created. A commissioner shall hold office until his successor has been appointed and has qualified, unless sooner removed according to this chapter. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services for the authority, in any capacity, but he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

The powers of each authority shall be vested in the commissioners thereof in office from time to time. Three commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless in any case the bylaws of the authority shall require a larger number. The mayor (or in the case of an authority for a county, the governing body of the county) shall designate which of the commissioners appointed shall be the first chairman and he shall serve in the capacity of chairman until the expiration of his term of office as commissioner. When the office of the chairman of the authority thereafter becomes vacant, the authority shall select a chairman from among its commissioners. An authority shall select from among its commissioners a vice chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the city or the county or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

**35.82.050 Interested commissioners or employees.** No commissioner or employee of an authority shall acquire any interest direct or indirect in any housing project or in any property included or planned to be included in any project, nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any

housing project. If any commissioner or employee of an authority owns or controls an interest direct or indirect in any property included or planned to be included in any housing project, he immediately shall disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure so to disclose such interest shall constitute misconduct in office. Upon such disclosure such commissioner or employee shall not participate in any action by the authority affecting such property.

**35.82.060 Removal of commissioners.** For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the mayor (or in the case of an authority for a county, by the governing body of said county), but a commissioner shall be removed only after he shall have been given a copy of the charges at least ten days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk.

**35.82.070 Powers of authority.** An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

(2) Within its area of operation: to prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof.

(3) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this chapter or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor or any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(4) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this chapter) to establish and revise the rents or charges therefor; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise including financial assistance and other aid from the state or any public body, person or corporation, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

(5) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(6) Within its area of operation: to investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

(7) Acting through one or more commissioners or other person or persons designated by the authority: to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insani-



tary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

(8) To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

(9) To agree (notwithstanding the limitation contained in RCW 35.82.210) to make such payments in lieu of taxes as the authority finds consistent with the achievement of the purposes of this chapter.

(10) To exercise the powers granted in this chapter within the boundaries of any city, town, or county not included in the area in which such housing authority is originally authorized to function: *Provided, however,* The governing or legislative body of such city, town, or county, as the case may be, adopts a resolution declaring that there is a need for the authority to function in such territory.

**35.82.080 Operation not for profit.** It is hereby declared to be the policy of this state that each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue to the city or the county. To this end an authority shall fix the rentals for dwellings in its projects at no higher rates than it shall find to be necessary in order to produce revenues which (together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived) will be sufficient (1) to pay, as the same become due, the principal and interest on the bonds of the authority; (2) to meet the cost of, and to provide for, maintaining and operating the projects (including the cost of any insurance) and the administrative expenses of the authority; and (3) to create (during not less than the six years immediately succeeding its issuance of any bonds) a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one year thereafter and to maintain such reserve.

**35.82.090 Rentals and tenant selection.** In the operation and management of housing projects an authority shall at all times observe the following duties with respect to rentals and tenant selection: (1) it may rent or lease the dwelling accommodations therein only to persons of low income and at rentals within the financial reach of such persons of low income; (2) it may rent or

lease to a tenant dwelling accommodations consisting of the number of rooms (but no greater number) which is deemed necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding; and (3) it shall not accept any person as a tenant in any housing project if the person or persons who would occupy the dwelling accommodations have an annual net income in excess of five times the annual rental of the quarters to be furnished such person or persons, except that in the case of families with three or more minor dependents, such ratio shall not exceed six to one; in computing the rental for this purpose of selecting tenants, there shall be included in the rental the average annual cost (as determined by the authority) to occupants of heat, water, electricity, gas, cooking range and other necessary services or facilities, whether or not the charge for such services and facilities is in fact included in the rental.

Nothing contained in this section or RCW 35.82.080 shall be construed as limiting the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project or cause the appointment of a receiver thereof, free from all the restrictions imposed by this section or RCW 35.82.080.

**35.82.100 Cooperation between authorities.** Any two or more authorities may join or cooperate with one another in the exercise of any or all of the powers conferred hereby for the purpose of financing, planning, undertaking, constructing or operating a housing project or projects located within the area of operation of any one or more of said authorities.

**35.82.110 Eminent domain.** An authority shall have the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes under this chapter after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of eminent domain in the same manner and under the same procedure as now is or may be hereafter provided by law in the case of other corporations authorized by the laws of the state to exercise the right of eminent domain; or it may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other applicable statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner: *Provided*, That no real property belonging to the city, the county, the state or any political subdivision thereof may be acquired without its consent.

**35.82.120 Planning, zoning and buildings laws.** All housing projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the housing project is situated. In the planning and location of any housing project, an authority shall take into consideration the relationship of the project to any larger plan or long-range program for the development of the area in which the housing authority functions.

**35.82.130 Bonds.** An authority shall have power to issue bonds from time to time in its discretion, for any of its corporate purposes. An authority shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. An authority may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds on which the principal and interest are payable: (1) exclusively from the income and revenues of the housing project financed with the proceeds of such bonds; (2) exclusively from the income and revenues of certain designated housing projects whether or not they are financed in whole or in part with the proceeds of such bonds; or (3) from its revenues generally. Any such bonds may be additionally secured by a pledge of any grant or contributions from the federal government or other source, or a pledge of any income or revenues of the authority, or a mortgage of any housing project, projects or other property of the authority.

Neither the commissioners of an authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of an authority (and such bonds and obligations shall so state on their face) shall not be a debt of the city, the county, the state or any political subdivision thereof and neither the city or the county, nor the state or any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said authority. The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. Bonds of an authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes.

**35.82.140 Form and sale of bonds.** Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding six percent per annum, be in such denomination or denominations, be in such

form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.

The bonds may be sold at public or private sale at not less than par.

In case any of the commissioners or officers of the authority whose signatures appear on any bond or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

In any suit, action or proceedings involving the validity or enforceability of any bond of an authority or the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodations for persons of low income shall be conclusively deemed to have been issued for a housing project of such character and said project shall be conclusively deemed to have been planned, located and constructed in accordance with the purposes and provisions of this chapter.

### **35.82.150 Provisions of bonds, trust indentures, and mortgages.**

In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, an authority, in addition to its other powers, shall have power:

(1) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

(2) To mortgage all or any part of its real or personal property, then owned or thereafter acquired.

(3) To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any housing project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(4) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement

of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(5) To covenant (subject to the limitations contained in this chapter) as to the rents and fees to be charged in the operation of a housing project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds.

(6) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which much consent thereto and the manner in which such consent may be given.

(7) To covenant as to use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(8) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(9) To vest in a trustee or trustees or the holders of bonds or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by said authority, to take possession and use, operate and manage any housing project or part thereof, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the authority with said trustee; to provide for the powers and duties of a trustee or trustees and to limit the liabilities thereof; and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

(10) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants and to do any and all such acts

and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of said authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

**35.82.160 Certification by attorney general.** Any authority may submit to the attorney general of the state any bonds to be issued hereunder after all proceedings for the issuance of such bonds have been taken. Upon the submission of such proceedings to the attorney general, it shall be the duty of the attorney general to examine into and pass upon the validity of such bonds and the regularity of all proceedings in connection therewith. If such proceedings conform to the provisions of this chapter and are otherwise regular in form and if such bonds when delivered and paid for will constitute binding and legal obligations of the authority enforceable according to the terms thereof, the attorney general shall certify in substance upon the back of each of said bonds that it is issued in accordance with the Constitution and laws of the state of Washington.

**35.82.170 Remedies of an obligee of authority.** An obligee of an authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

(1) By mandamus, suit, action or proceeding at law or in equity to compel said authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of said authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said authority and the fulfillment of all duties imposed upon said authority by this chapter.

(2) By suit, action or proceeding in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of said authority.

**35.82.180 Additional remedies conferable by authority.** An authority shall have power by its resolution, trust indenture, mortgage, lease or other contract to confer upon any obligee holding or representing a specified amount in bonds, or holding a lease, the right (in addition to all rights that may otherwise be conferred), upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

(1) To cause possession of any housing project or any part thereof to be surrendered to any such obligee.

(2) To obtain the appointment of a receiver of any housing project of said authority or any part thereof and of the rents and

profits therefrom. If such receiver be appointed, he may enter and take possession of such housing project or any part thereof and operate and maintain same, and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom, and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of said authority as the court shall direct.

(3) To require said authority and the commissioners thereof to account as if it and they were the trustees of an express trust.

**35.82.190 Exemption of property from execution sale.** All real property of an authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against an authority be a charge or lien upon its real property: *Provided, however,* That the provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of an authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees or revenues.

**35.82.200 Aid from federal government.** In addition to the powers conferred upon an authority by other provisions of this chapter, an authority is empowered to borrow money or accept contributions, grants or other financial assistance from the federal government for or in aid of any housing project within its area of operation, to take over or lease or manage any housing project or undertaking constructed or owned by the federal government, and to these ends, to comply with such conditions and enter into such mortgages, trust indentures, leases or agreements as may be necessary, convenient or desirable. It is the purpose and intent of this chapter to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the federal government in the undertaking, construction, maintenance or operation of any housing project by such authority.

**35.82.210 Tax exemption and payments in lieu of taxes.** The property of an authority is declared to be public property used for essential public and governmental purposes and such property and an authority shall be exempt from all taxes and special assessments of the city, the county, the state or any political subdivision thereof: *Provided, however,* That in lieu of such taxes an authority may agree to make payments to the city or the county or any such political subdivision for improvements, services and facilities furnished by such city, county or political subdivision for the benefit of a housing project, but in no event shall such payments exceed the amount last levied as the annual tax of such city, county or political subdivi-

vision upon the property included in said project prior to the time of its acquisition by the authority.

**35.82.220 Housing bonds legal investments and security.** Notwithstanding any restrictions on investments contained in any laws of this state, the state and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by a housing authority pursuant to the housing authorities law of this state or issued by any public housing authority or agency in the United States, when such bonds or other obligations are secured by a pledge of annual contributions to be paid by the United States government or any agency thereof, and such bonds and other obligations shall be authorized security for all public deposits; it being the purpose of this chapter to authorize any persons, firms, corporations, associations, political subdivisions, bodies and officers, public or private, to use any funds owned or controlled by them, including (but not limited to) sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations: *Provided, however,* That nothing contained in this chapter shall be construed as relieving any person, firm or corporation from any duty of exercising reasonable care in selecting securities.

**35.82.230 Reports.** At least once a year, an authority shall file with the clerk a report of its activities for the preceding year, and shall make recommendations with reference to such additional legislation or other action as it deems necessary in order to carry out the purposes of this chapter.

**35.82.240 Rural housing projects.** Housing authorities created for counties are specifically empowered and authorized to borrow money, accept grants and exercise their other powers to provide housing for farmers of low income as herein defined. In providing such housing, such housing authorities shall not be subject to the tenant selection limitations provided in RCW 35.82.090(3). In connection with such projects, such housing authorities may enter into such leases or purchase agreements, accept such conveyances and rent or sell dwellings forming part of such projects to or for farmers of low income, as such housing authority deems necessary in order



to assure the achievement of the objectives of this chapter. Such leases, agreements or conveyances may include such covenants as the housing authority deems appropriate regarding such dwellings and the tracts of land described in any such instrument, which covenants shall be deemed to run with the land where the housing authority deems it necessary and the parties to such instrument so stipulate. Nothing contained in this section shall be construed as limiting any other powers of any housing authority.

**35.82.250 Housing applications by farmers.** The owner of any farm operated, or worked upon, by farmers of low income in need of safe and sanitary housing may file an application with a housing authority of a county requesting that it provide for a safe and sanitary dwelling or dwellings for occupancy by such farmers of low income. Such applications shall be received and examined by housing authorities in connection with the formulation of projects or programs to provide housing for farmers of low income.

**35.82.260 Farmers of low income.** "Farmers of low income" shall mean persons or families who at the time of their admission to occupancy in a dwelling of a housing authority: (1) live under unsafe or insanitary housing conditions; (2) derive their principal income from operating or working upon a farm; and (3) had an aggregate average annual net income for the three years preceding their admission that was less than the amount determined by the housing authority to be necessary, within its area of operation, to enable them, without financial assistance, to obtain decent, safe and sanitary housing without overcrowding.

**35.82.270 Powers are additional.** The powers conferred by RCW 35.82.240 through 35.82.270 shall be in addition and supplemental to the powers conferred by any other law, and nothing contained herein shall be construed as limiting any other powers of any housing authority.

**35.82.900 Short title.** This chapter shall be known and may be cited as the "Housing Authorities Law."

**35.82.910 Chapter controlling.** Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, the provisions of this chapter shall be controlling.

## Chapter 35.83

### HOUSING COOPERATION LAW

**35.83.005 Short title.** This act may be referred to as the "Housing Cooperation Law."

**35.83.010 Finding and declaration of necessity.** It has been found and declared in the housing authorities law that there exist in the state unsafe and insanitary housing conditions and a shortage of safe and sanitary dwelling accommodations for persons of low income; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities; and that the public interest requires the remedying of these conditions. It is hereby found and declared that the assistance herein provided for the remedying of the conditions set forth in the housing authorities law constitutes a public use and purpose and an essential governmental function for which public moneys may be spent, and other aid given; that it is a proper public purpose for any state public body to aid any housing authority operating within its boundaries or jurisdiction or any housing project located therein, as the state public body derives immediate benefits and advantages from such an authority or project; and that the provisions hereinafter enacted are necessary in the public interest.

**35.83.020 Definitions.** The following terms, whenever used or referred to in this chapter shall have the following respective meanings, unless a different meaning clearly appears from the context:

(1) "Housing authority" shall mean any housing authority created pursuant to the housing authorities law of this state.

(2) "Housing project" shall mean any work or undertaking of a housing authority pursuant to the housing authorities law or any similar work or undertaking of the federal government.

(3) "State public body" shall mean any city, town, county, municipal corporation, commission, district, authority, other subdivision or public body of the state.

(4) "Governing body" shall mean the council, the commission, board of county commissioners or other body having charge of the fiscal affairs of the state public body.

(5) "Federal government" shall include the United States of America, the United States housing authority, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

**35.83.030 Cooperation in undertaking housing projects.** For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of housing projects located within the area in which it is authorized to act, any state public body may upon such terms, with or without consideration, as it may determine:

(1) Dedicate, sell, convey or lease any of its interest in any property, or grant easements, licenses or any other rights or privileges therein to a housing authority or the federal government;

(2) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with housing projects;

(3) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake;

(4) Plan or replan, zone or rezone any part of such state public body; make exceptions from building regulations and ordinances; any city or town also may change its map;

(5) Cause services to be furnished to the housing authority of the character which such state public body is otherwise empowered to furnish;

(6) Enter into agreements with respect to the exercise by such state public body of its powers relating to the repair, elimination or closing of unsafe, insanitary or unfit dwellings;

(7) Employ (notwithstanding the provisions of any other law) any funds belonging to or within the control of such state public body, including funds derived from the sale or furnishing of property or facilities to a housing authority, in the purchase of the bonds or other obligations of a housing authority; and exercise all the rights of any holder of such bonds or other obligations;

(8) Do any and all things, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of such housing projects;

(9) Incur the entire expense of any public improvements made by such state public body in exercising the powers granted in this chapter;

(10) Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary), with a housing authority respecting action to be taken by such state public body pursuant to any of the powers granted by this chapter. Any law or statute to the contrary notwithstanding, any sale, conveyance, lease or agreement provided for in this section may be made by a state public body without appraisal, advertisement or public bidding: *Provided*, There must be five days public notice given either by posting in three public places or publishing in the official county newspaper of the county wherein the property is located; and

(11) With respect to any housing project which a housing authority has acquired or taken over from the federal government and which the housing authority by resolution has found and declared to have been constructed in a manner that will promote the public interest and afford necessary safety, sanitation and other protection, no state public body shall require any changes to be made in the

housing project or the manner of its construction or take any other action relating to such construction.

**35.83.040 Agreements as to payments by housing authority.** In connection with any housing project located wholly or partly within the area in which it is authorized to act, any state public body may agree with a housing authority or the federal government that a certain sum (in no event to exceed the amount last levied as the annual tax of such state public body upon the property included in said project prior to the time of its acquisition by the housing authority) or that no sum, shall be paid by the authority in lieu of taxes for any year or period of years.

**35.83.050 Advances to housing authority.** Any city, town, or county located in whole or in part within the area of operation of a housing authority shall have the power from time to time to lend or donate money to such authority or to agree to take such action. Such housing authority, when it has money available therefor, shall make reimbursements for all such loans made to it.

**35.83.060 Procedure for exercising powers.** The exercise by a state public body of the powers herein granted may be authorized by resolution of the governing body of such state public body adopted by a majority of the members of its governing body present at a meeting of said governing body, which resolution may be adopted at the meeting at which such resolution is introduced. Such a resolution or resolutions shall take effect immediately and need not be laid over or published or posted.

**35.83.070 Supplemental nature of chapter.** The powers conferred by this chapter shall be in addition and supplemental to the powers conferred by any other law.

## Chapter 35.84

### UTILITY AND OTHER SERVICES BEYOND CITY LIMITS

**35.84.010 Electric energy—Sale of—Purchase.** Every city or town owning its own electric power and light plant, shall have the right to sell and dispose of electric energy to any other city or town, public utility district, governmental agency, or municipal corporation, mutual association, or to any person, firm, or corporation, inside or outside its corporate limits, and to purchase electric energy therefrom.

**35.84.020 Electric energy facilities—Right to acquire.** Every city or town owning its own electric power and light plant may acquire, construct, purchase, condemn and purchase, own, operate, control,

add to and maintain lands, easements, rights-of-way, franchises, distribution systems, substations, inter-tie or transmission lines, to enable it to use, purchase, sell, and dispose of electric energy inside or outside its corporate limits, or to connect its electric plant with any other electric plant or system, or to connect parts of its own electric system.

**35.84.030 Limitation on right of eminent domain.** Every city or town owning its own electric power and light plant may exercise the power of eminent domain as provided by law for the condemnation of private property for any of the corporate uses or purposes of the city or town: *Provided*, That no city or town shall acquire, by purchase or condemnation, any publicly or privately owned electric power and light plant or electric system located in any other city or town except with the approval of a majority of the qualified electors of the city or town in which the property to be acquired is situated; nor shall any city or town acquire by condemnation the electric power and light plant or electric system, or any part thereof, belonging to or owned or operated by any municipal corporation, mutual, nonprofit, or cooperative association or organization, or by a public utility district.

**35.84.040 Fire apparatus—Use beyond city limits.** Every municipal corporation which owns, operates, or maintains fire apparatus and equipment may permit, under conditions prescribed by the governing body of such corporation, such equipment and the personnel operating the same to go outside of the corporate limits of such municipality for the purpose of extinguishing or aiding in the extinguishing or control of fires. Any use made of such equipment or personnel under the authority of this section shall be deemed an exercise of a governmental function of such municipal corporation.

**35.84.050 Fireman injured outside corporate limits.** Whenever a fireman engages in any duty outside the limits of such municipality, such duty shall be considered as part of his duty as fireman for the municipality, and a fireman who is injured while engaged in such duties outside the limits of the municipality shall be entitled to the same benefits that he or his family would be entitled to receive had he been injured within the municipality.

**35.84.060 Street railway extensions.** Every municipal corporation which owns or operates any street railway within the corporate limits thereof, may acquire, construct and extend, own and operate such street railway to any point or points not to exceed eight miles outside of its said corporate limits, measured along the line of such railway.

**Chapter 35.85****VIADUCTS, ELEVATED ROADWAYS, TUNNELS AND  
SUBWAYS**

**35.85.010 Authority to construct viaducts, bridges, elevated roadways, etc.** Any city of the first class shall have power to provide for the construction, maintenance and operation upon public streets and upon the extensions and connections thereof over intervening tidelands to and across any harbor reserves, waterways, canals, rivers, natural watercourses and other channels, any bridges, drawbridges, viaducts, elevated roadways and tunnels or any combination thereof together with all necessary approaches thereto, with or without street railway tracks thereon or therein, and to make any and all necessary cuts, fills, or other construction, upon, in, or along such streets and approaches as a part of any such improvement, and to order any and all work to be done which shall be necessary to complete any such improvement. The word "approaches" as used in this section shall include any arterial highway or highways or streets connecting with any such bridge, drawbridge, viaduct, elevated roadway or tunnel, or combination thereof, which are necessary to give convenient access thereto or therefrom from any portion of the improvement district which may be specially benefited by such improvement and which is liable to assessment for such improvement.

Whenever it is desired to pay the whole or any portion of the cost and expense of any such improvement by special assessments, the council or other legislative body of such city shall in the ordinance ordering such improvement fix and establish the boundaries of the improvement district, the property within which is to bear such assessment, which district shall include as near as may be, all the property specially benefited by such improvement.

**35.85.020 Assessment district—Resolution—Hearing—Ordinance ordering improvement.** Any such improvement may be initiated by the city council, or other legislative body, by a resolution, declaring its intention to order such improvement, which resolution shall set forth the nature and territorial extent of such proposed improvement, shall specify and describe the boundaries of the proposed improvement district and notify all persons who may desire to object thereto to appear and present such objections at a meeting of the council specified in such resolution and directing the board of public works, or other proper board, officer, or authority of the city, to submit to such council at or prior to the date fixed for such hearing the estimated cost and expense of the improvement, and a statement of the proportionate amount thereof which should be

borne by the property within the proposed improvement district, and a statement of the aggregate assessed valuation of the real property exclusive of improvements, within said district, according to the valuation last placed upon it for purposes of general taxation. Such resolution shall be published in at least two consecutive issues of the official newspaper of the city, the date of the first publication to be at least thirty days prior to the date fixed by the resolution for hearing before the council.

Upon such hearing, or upon any adjournment thereof, the council shall have power to amend, change, extend, or contract the boundaries of the proposed improvement district as specified in the resolution, and to consider and determine all matters in relation to the proposed improvement, and, upon the conclusion of the hearing, or any adjournment thereof, shall have power by ordinance to order the improvement to be made and to adopt, fix and establish the boundaries of the improvement district. The action of such council in ordering such improvement, or in abandoning it, and in fixing and establishing the boundaries of the improvement district shall be final and conclusive. Any such ordinance may be passed upon majority vote of the council or other legislative body of the city.

Such ordinance may provide for the construction of the improvement in sections, the letting of separate contracts for each such section, and, in case the same is made in sections, separate assessment rolls to defray the cost and expense of any such section of such improvement may be prepared, and the amounts thereon appearing as finally determined, may be levied and assessed against real property within the improvement district. The provisions of law, charter and ordinance of any such city, relating to supplemental assessments, reassessments and omitted property shall be applicable to any improvement authorized in this chapter.

The city council, or other legislative body of such city, shall by general ordinance, make provision for hearing any objections in writing, to any assessment roll for such improvement, filed with the city clerk or comptroller at a prior date to the hearing thereon. Any right of appeal to the superior court provided by law to be taken from any local improvement assessment levied and assessed by any such city, may be exercised, within the time and in the manner therein provided, by any person so objecting to any assessment levied and assessed for any improvement authorized in this chapter.

**35.85.030 Limit of assessment—Lien—Priority.** The city council may prescribe by general ordinance, the mode and manner in which the charge upon property in such local improvement district shall be assessed and determined for the purpose of paying the cost and expense of establishing and constructing such improvement: *Provided*, That no assessment shall be levied on any such district,

the aggregate of which is a greater sum than twenty-five percent of the assessed value of all the real property in such district according to the last equalized assessment thereof for general taxation: *Provided further*, That there shall be, in all cases, an opportunity for a hearing upon objections to the assessment roll by the parties affected thereby, before the council as a board of equalization, which hearing shall be after publication of a reasonable notice thereof, such notice to be published in such manner and for such time as may be prescribed by ordinance. At such hearing, or at legal adjournments thereof, such changes may be made in the assessment roll as the city council may find necessary to make the same just and equitable. Railroad rights-of-way shall be assessed for such benefits as shall inure or accrue to the owners, lessees, or operators of the same, resulting or to result from the construction and maintenance of any such improvement, whether such rights-of-way lie within the limits of any street or highway or not; such assessment to lie against the franchise rights when such right-of-way is within such street or highway.

When the assessment roll has been finally confirmed by the city council, the charges therein made shall be and become a lien against the property or franchise therein described, paramount to all other liens (except liens for assessments and taxes) upon the property assessed from the time the assessment roll shall be placed in the hands of the collector.

**35.85.040 Operation by city—Leases—Use of income.** As a part of the original construction of any improvement herein authorized, or afterward as an alteration or renewal thereof, any such city, notwithstanding any charter provision to the contrary, may, at its own cost, construct, maintain and operate street railway tracks in the roadway thereof, and may provide electric power for the propulsion of cars, and may lease the use of such tracks and power for the operation of street cars or interurban railways; or such city may authorize any operator of the street or interurban railways to construct and furnish such street railway tracks and electric power and use the same for street or interurban purposes, under lease or franchise ordinance: *Provided*, That no such lease or franchise shall be exclusive, but shall at all times reserve the right to the city to permit other lines of street or interurban railway to use such street railway tracks in common with any preceding lessee or grantee, upon equal terms. The rate of lease or use of such street railway tracks for streets or interurban cars shall be as fixed by the legislative authority of the city, but shall not be less than one mill for each passenger carried, or ten cents for each freight car moved over such improvement. The income from such charges, rental and



leasing shall be used wholly for the maintenance, repair and betterment of said improvement and the entingishment of any debt incurred by the city in constructing it.

**35.85.050 Authority to construct tunnels and subways.** Any city of the first class shall have power to provide for the construction, maintenance and operation within such city of tunnels, subways, or both, with or without roadways, sidewalks, street railway tracks or any combination thereof therein, together with all necessary approaches thereto; and to order any and all work to be done which shall be necessary to complete any such improvement. The word "approaches," as used in this section, shall include any arterial highway or highways or streets connecting with any such tunnel or subway which may be necessary to give convenient access thereto or therefrom from any portion of the improvement district which may be specially benefited by such improvement, and which is liable to assessment for such improvement.

Whenever it is desired to pay the whole or any portion of the cost and expense of any such improvement by special assessments, the council or other legislative body of such city shall, in the ordinance ordering such improvement, fix and establish the boundaries of the improvement district, the property in which is to bear such assessment, which district shall include as near as may be all the property specially benefited by such improvement.

**35.85.060 Procedure.** Any such improvement may be initiated and assessments therefor determined and levied as prescribed in RCW 35.85.020 to 35.85.040, inclusive.

**35.85.070 Assessments—Bonds.** Any assessments so levied shall be collected, and bonds may be issued for the payment of the whole or any part of the cost of such improvement, in the manner now or hereafter provided for the collection of assessments and the issuance of bonds for other local improvements.

**35.85.080 Construction of chapter.** The provisions and remedies provided by this chapter are cumulative of existing provisions and remedies, and nothing herein contained shall be held to repeal any provision of the existing law or of any charter of any city upon the subject matter thereof, but such existing law or charter provision shall continue in full force and effect, and it shall be optional with the city authorities to proceed under either such existing law, charter provision or this chapter.

**Chapter 35.86****OFF-STREET PARKING FACILITIES**

**35.86.010 Space and facilities authorized and declared public use.** Cities of the first, second, and third classes are authorized to provide off-street parking space and facilities for motor vehicles, and the use of real property for such purpose is declared to be a public use.

**35.86.020 Financing.** In order to provide for off-street parking space and/or facilities, such cities are authorized, in addition to their powers for financing public improvements, to finance their acquisition and construction through the issuance and sale of revenue, general fund and on-street parking revenue bonds. Any bonds issued by such cities pursuant to this section shall be issued in the manner and within the limitations prescribed by the Constitution and the laws of this state.

In addition local improvement districts may be created and their financing procedures used for this purpose in accordance with the provisions of Title 35 as now or hereafter amended.

Such cities may authorize and finance the economic and physical surveys and plans, and construction, for off-street parking, and the maintenance and management of such off-street parking spaces and facilities either within their general budget or by issuing general fund bonds and on-street parking revenue bonds or both.

**35.86.030 Acquisition and disposition of real property.** Such cities are authorized to obtain by lease, purchase, donation and/or gift, or by eminent domain in the manner provided by law for the exercise of this power by cities, such real property for off-street parking as the legislative bodies thereof determine to be necessary by ordinance. Such property or any fraction or fractions thereof may be sold, transferred, exchanged, leased, or otherwise disposed of by the city when its legislative body has determined by ordinance such property or fraction or fractions thereof is no longer necessary for off-street parking purposes.

**35.86.040 Operation—Lease—Bid requirements and procedure.** Such cities are authorized to establish the method of operation of off-street parking space and/or facilities by ordinance, which may include leasing or municipal operation: *Provided, however,* That no city with a population of more than one hundred thousand shall operate any such off-street parking space and/or facilities until after it has called for sealed bids from responsible, experienced, private operators of such facilities for the operation thereof. The call for bids shall specify the terms and conditions under which the

facility will be leased for private operation and shall specify a minimum rental upon which such a lease will be made by the city. The minimum rental may be on a weekly or monthly flat fee basis or may be based upon a weekly or monthly percentage of gross income, but it shall in any event be sufficient to cover all of the city's costs in acquiring and/or constructing or improving the facility to be leased, including interest charges, debt retirement, and payment in lieu of the taxes lost by removal of the property from the tax rolls. The call for bids shall specify the time and place at which the bids will be received and the time when the same will be opened, and such call shall be advertised once a week for two successive weeks before the time fixed for the filing of bids in a newspaper of general circulation in the city. The competitive bid requirements of this section shall not apply in any case where such a city shall grant a long-term negotiated lease of any such facility to a private operator on the condition that the tenant-operator shall construct a substantial portion of the facility or the improvements thereto, which construction and/or improvements shall become the property of the city on expiration of the lease. If no bid is received for the operation of such an off-street parking facility, or if none of the bids received meet the minimum rental specified, the legislative body of the city may reject all bids, in the latter case, and in both situations may readvertise the facility for lease or may operate the facility itself. If the city elects to operate the parking facility itself, it shall at least once in every three years again readvertise for bids in the same manner as provided above.

**35.86.050 Procedure to establish—Plan, surveys, hearings.** In the establishment of off-street parking space and/or facilities, cities shall proceed with the development of the plan therefor by making such economic and physical surveys as are necessary, shall prepare comprehensive plans therefor, and shall hold a public hearing thereon prior to the adoption of any ordinances relating to the leasing or acquisition of property and providing for the financing thereof for this purpose.

**35.86.060 Maximum parking fee schedule.** The lease referred to in RCW 35.86.040 shall specify a schedule of maximum parking fees which the operator may charge. This maximum parking fee schedule may be modified from time to time by agreement of the city and the operator.

**35.86.070 Payments in lieu of taxes.** Such cities and/or their lessees shall pay to the county treasurer and to the state treasurer moneys in lieu of real property taxes equal to the amounts which would be paid upon real property condemned pursuant to this chapter were it in private ownership.

**35.86.080 Leasing for store space in lieu of undesirable off-street parking facility.** Cities are expressly authorized to lease space which would otherwise be wasted in an off-street parking facility for store space, both for the enhancement of civic beauty and aesthetic values and for revenue which such leasing can provide.

**35.86.910 Chapter prevails over inconsistent laws.** Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, the provisions of this chapter shall be controlling.

### Chapter 35.88

#### WATER POLLUTION—PROTECTION FROM

**35.88.010 Authority over sources of supply.** For the purpose of protecting the water furnished to the inhabitants of cities and towns from pollution, cities and towns are given jurisdiction over all property occupied by the works, reservoirs, systems, springs, branches and pipes, by means of which, and of all the lakes, rivers, springs, streams, creeks, or tributaries constituting the sources of supply from which the cities and towns or the companies or individuals furnishing water to the inhabitants thereof obtain their supply of water, or store or conduct it, and over all property acquired for any of the foregoing works or purposes or for the preservation and protection of the purity of the water supply, and over all property within the areas draining into the lakes, rivers, springs, streams, creeks or tributaries constituting the sources of supply whether they or any of them are within the city or town limits or outside.

**35.88.020 Enforcement of ordinance—Special police.** Every city and town may by ordinance prescribe what acts shall constitute offenses against the purity of its water supply and the punishment or penalties therefor and enforce them. The mayor of each city and town may appoint special policemen, with such compensation as the city or town may fix, who shall, after taking oath, have the powers of constables, and who may arrest with or without warrant any person committing, within the territory over which any city or town is given jurisdiction by this chapter, any offense declared by law or by ordinance, against the purity of the water supply, or which violate any rule or regulation lawfully promulgated by the state board of health for the protection of the purity of such water supply. Every special policeman whose appointment is authorized herein may take any person arrested for any such offense or violation before any court having jurisdiction thereof to be proceeded with according to law. Every such special policeman shall, when on duty wear in

plain view a badge or shield bearing the words "special police" and the name of the city or town by which he has been appointed.

**35.88.030 Pollution declared to be a nuisance—Abatement.** The establishment or maintenance of any slaughter pens, stock feeding yards, hogpens, or the deposit or maintenance of any uncleanly or unwholesome substance, or the conduct of any business or occupation, or the allowing of any condition upon or sufficiently near the (1) sources from which the supply of water for the inhabitants of any city or town is obtained, or (2) where its water is stored, or (3) the property or means through which the same may be conveyed or conducted so that such water would be polluted or the purity of such water or any part thereof destroyed or endangered, is prohibited and declared to be unlawful, and is declared to constitute a nuisance, and may be abated as other nuisances are abated.

**35.88.040 Pollution as criminal nuisance—Punishment.** Any person who does, establishes, maintains, or creates any of the things which have the effect of polluting any such sources of water supply, or water, and any person who does any of the things in RCW 35.88.030 declared to be unlawful, shall be deemed guilty of creating and maintaining a nuisance, and may be prosecuted therefor, and upon conviction thereof may be fined in any sum not exceeding five hundred dollars.

**35.88.050 Prosecution—Trial—Abatement of nuisance.** If upon the trial of any person for the violation of any of the provisions of this chapter he is found guilty of creating or maintaining a nuisance or of violating any of the provisions of this chapter, he shall forthwith abate the nuisance, and if he fails so to do within one day after such conviction, unless further time is granted by the court, a warrant shall be issued by the court wherein the conviction was obtained, directed to the sheriff of the county in which such nuisance exists and the sheriff shall forthwith proceed to abate the said nuisance and the cost thereof shall be taxed against the person so convicted as a part of the costs of such case.

**35.88.060 Health officers and mayor must enforce.** The city health officer, city physician, board of public health, mayor, or any other officer, who has the sanitary condition of the city or town in charge, shall see that the provisions of this chapter are enforced and upon complaint being made to any such officer of an alleged violation, he shall immediately investigate the said complaint and if the same appears to be well founded he shall file a complaint against the person or persons violating any of the provisions of this chapter and cause their arrest and prosecution.

**35.88.070 Injunction proceeding.** If any provision of this chapter is being violated, the city or town supplied with the water or a corporation owning waterworks for the purpose of supplying the city or town or the inhabitants thereof with water may, by civil action in the superior court of the proper county, have the maintenance of the nuisance which pollutes or tends to pollute the said water, enjoined and such injunction may be perpetual.

**35.88.080 Inland cities over 100,000—Discharge of sewage prohibited—Nuisance.** Any city not located on tidewater, having a population of one hundred thousand or more, is hereby prohibited from discharging, draining or depositing, or causing to be discharged, drained or deposited, any sewage, garbage, feculent matter, offal, refuse, filth, or any animal, mineral, or vegetable matter or substance, offensive, injurious or dangerous to health, into any springs, streams, rivers, lakes, tributaries thereof, wells, or into any subterranean or other waters used or intended to be used for human or animal consumption or for domestic purposes.

Anything done, maintained, or suffered, in violation of any of the provisions of this section, shall be deemed to be a public nuisance, and may be summarily abated as such by any court of competent jurisdiction at the suit of the director of health or any person whose supply of water for human or animal consumption or for domestic purposes is or may be affected.

**35.88.090 ———Investigation of disposal systems by director of health.** The director of health shall have the power, and it shall be his duty, to investigate the system of disposal of sewage, garbage, feculent matter, offal, refuse, filth, or any animal, mineral, or vegetable matter or substance, by cities not located on tidewater, having a population of one hundred thousand or more, and if he shall determine upon investigation that any such system or systems of disposal is or may be injurious or dangerous to health, he shall have the power, and it shall be his duty, to order such city or cities to provide for, construct, and maintain a system or systems of disposal which will not be injurious or dangerous to health.

## Chapter 35.89

### WATER REDEMPTION BONDS

**35.89.010 Authority to issue water redemption bonds.** If a public water system has been constructed within any local improvement district of any city or town for the construction of which bonds of the local improvement district were issued and are outstanding and unpaid, and if the city or town has taken over the system or is operating it as a public utility or has incorporated it into or

connected it with any system operated by city or town as a public utility, from the operation of which such city or town derives a revenue, the city or town may by resolution of its council authorize the issue of bonds to an amount not exceeding the amount of the local improvement bonds issued for the construction of the water system then outstanding and unpaid with interest due and unpaid, and may redeem the outstanding local improvement bonds by exchanging therefor an equal amount at par of the bonds authorized by this chapter. The new bonds shall be called water redemption bonds.

**35.89.020 Bonds—Terms—Execution—Rights of holder.** Water redemption bonds shall be in denominations of not more than one thousand nor less than one hundred dollars each, and shall bear interest at a rate of not to exceed six percent per annum, payable semiannually, and shall bear a serial number and shall be signed by the mayor of the city or town and shall be otherwise executed in such manner and payable at such time and place not exceeding twenty years after the date of issue as the city or town council shall determine and such bonds shall be payable only out of the special fund created by authority of this chapter and shall be a valid claim of the holder thereof only against that fund and the fixed portion or amount of the revenues of the water system pledged to the fund, and shall not constitute an indebtedness of the city or town.

**35.89.030 Bonds exchange—Subrogation.** Water redemption bonds issued under the authority of this chapter shall only be sold or disposed of in exchange for an equal amount in par value of principal and interest of the local improvement district bonds issued for the construction of water systems taken over and operated by the city or town, or incorporated into or connected with a water system operated by it.

Upon the exchange of the water redemption bonds authorized by this chapter for local improvement district bonds the city or town shall be subrogated to all the rights of the owners and holders of such local improvement district bonds against the property of the local improvement district and against any person or corporation liable thereon.

Any money derived by the city or town from the sale or enforcement of such local improvement district bonds shall be paid into the city's water redemption fund.

**35.89.040 Water redemption fund—Creation.** The city or town council before issuing water redemption bonds shall by ordinance establish a fund for the payment of the bonds at maturity and of interest thereon as it matures to be designated the water redemption fund.

**35.89.050 Water redemption fund—Sources.** Every city and town shall have power to regulate and control the use and price of water supplied through a water system taken over from a local improvement district.

It shall establish such rates and charges for the water as shall be sufficient after providing for the operation and maintenance of the system to provide for the payment of the water redemption bonds at maturity and of interest thereon as it matures, and such portion shall be included in and collected as a part of the charges made by such city or town for water supplied through such water system and such portion shall be paid into the water redemption fund.

**35.89.060 Water redemption fund—Trust fund.** All moneys paid into or collected for the water redemption fund shall be used for the payment of principal and interest of the water redemption bonds issued under the authority of this chapter and no part thereof while any of said bonds are outstanding and unpaid, shall be diverted to any other fund or use: *Provided*, That when both principal and interest on all water redemption bonds issued and outstanding have been paid, any unexpended balance remaining in the fund may be transferred to the general fund or such other fund as the city or town council may direct.

**35.89.070 Payment of interest on bonds.** The treasurer of such city or town shall pay the interest on the water redemption bonds authorized by this chapter out of the money in the water redemption fund.

**35.89.080 Payment of principal of bonds.** Whenever there is sufficient money in the water redemption fund, over and above the amount that will be required to pay the interest on the bonds up to the time of maturity of the next interest payment, to pay the principal of one or more bonds, the city or town treasurer shall call in and pay such bonds. The bonds shall be called and paid in their numerical order, and the call shall be made by publication in the official newspaper of the city or town. The call shall state the total amount and the serial number or numbers of the bonds called and that they will be paid on the date when the next semiannual payment of interest will be due, and that interest on the bonds called will cease from such date.

**35.89.090 Violations—Penalties—Personal liability.** Every ordinance, resolution, order, or action of the council, board, or officer of any city or town, and every warrant or other instrument made, issued, passed or done in violation of the provisions of this chapter shall be void.



Every officer, agent, employee, or member of the council of the city or town, and every person or corporation who shall knowingly commit any violation of the provisions of this chapter or knowingly aid in such violation, shall be liable to the city or town for all money transferred, diverted or paid out in violation thereof and such liability shall attach to and be enforceable against the official bond, if any, of such official agent, employee, or member of the council.

**35.89.100 Water systems—What included.** The term “water system” as used in this chapter shall include and be applicable to all reservoirs, storage and clarifying tanks, conduits, mains, laterals, pipes, hydrants and other equipment used or constructed for the purpose of supplying water for public or domestic use, and shall include not only water systems constructed by local improvement districts, but also any system with which the same may be incorporated or connected.

### Chapter 35.91

#### MUNICIPAL WATER AND SEWER FACILITIES ACT

**35.91.010 Declaration of purpose—Short title.** The improvement of public health and the implementation of both urban and rural development being furthered by adequate and comprehensive water facilities and storm and sanitary sewer systems, and there being a need for legislation enabling such aids to the welfare of the state, there is hereby enacted the “municipal water and sewer facilities act.”

**35.91.020 Contracts with owners of real estate for water or sewer facilities—Reimbursement of costs by subsequent users.** The governing body of any city, town, sewer district, water district or drainage district, hereinafter referred to as a “municipality” may contract with owners of real estate for the construction of storm, sanitary or combination sewers, pumping stations and disposal plants, water mains, hydrants or appurtenances, hereinafter called “water or sewer facilities”, within their boundaries or within four miles from their corporate limits connecting with the public water or sewerage system to serve the area in which the real estate of such owners is located, and to provide for a period of not to exceed fifteen years for the reimbursement of such owners and their assigns by any owner of real estate who did not contribute to the original cost of such water or sewer facilities and who subsequently tap onto or use the same of a fair pro rata share of the cost of the construction of said water or sewer facilities, including not only those directly connected thereto, but also users connected to laterals or branches connecting thereto, subject to such reasonable rules and regulations

as the governing body of such municipality may provide or contract, and notwithstanding the provisions of any other law. The provisions of such contract shall not be effective as to any owner of real estate not a party thereto unless such contract shall have been recorded in the office of the county auditor of the county in which the real estate of such owner is located prior to the time such owner taps into or connects to said water or sewer facilities. The power of the governing body of such municipality to so contract shall also apply to water or sewer facilities in process of construction on June 10, 1959 or which shall not have been finally approved or accepted for full maintenance and operation by such municipality upon June 10, 1959.

**35.91.030 Approval and acceptance of facilities by municipality—Rates, costs.** Upon the completion of water or sewer facilities pursuant to contract mentioned in the foregoing section, the governing body of any such municipality shall be authorized to approve their construction and accept the same as facilities of the municipality and to charge for their use such water or sewer rates as such municipality may be authorized by law to establish, and if any such water or sewer facilities are so approved and accepted, all further maintenance and operation costs of said water or sewer lines and facilities shall be borne by such municipality.

**35.91.040 Contract payment to be made prior to tap, connection, or use—Removal of tap or connection.** No person, firm or corporation shall be granted a permit or be authorized to tap into, or use any such water or sewer facilities or extensions thereof during the period of time prescribed in such contract without first paying to the municipality, in addition to any and all other costs and charges made or assessed for such tap, or use, or for the water lines or sewers constructed in connection therewith, the amount required by the provisions of the contract under which the water or sewer facilities so tapped into or used were constructed. All amounts so received by the municipality shall be paid out by it under the terms of such contract within sixty days after the receipt thereof. Whenever any tap or connection is made into any such contracted water or sewer facilities without such payment having first been made, the governing body of the municipality may remove, or cause to be removed, such unauthorized tap or connection and all connecting tile, or pipe located in the facility right of way and dispose of unauthorized material so removed without any liability whatsoever.

**35.91.050 Owner's pro rata share of cost to which he did not contribute.** Whenever the cost, or any part thereof, of any water or sewer improvement, whether local or general, is or will be assessed against the owners of real estate and such water or sewer im-

provement will be connected into or will make use of, contracted water or sewer facilities constructed under the provisions of this chapter and to the cost of which such owners, or any of them, did not contribute, there shall be included in the engineer's estimate before the hearing on any such improvement, separately itemized, and in such assessments, a sum equal to the amount provided in or computed from such contract as the fair pro rata share due from such owners upon and for such contracted water or sewer facilities.

## Chapter 35.92

### MUNICIPAL UTILITIES

**35.92.010 Authority to acquire and operate waterworks—Classification of services for rates.** A city or town may construct, condemn and purchase, purchase, acquire, add to, maintain and operate waterworks, within or without its limits, for the purpose of furnishing the city and its inhabitants, and any other persons, with an ample supply of water for all 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: *Provided*, That the rates charged must be uniform for the same class of customers or service. In classifying customers served or service furnished, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; capital contributions made to the system including, but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction. No rate shall be charged that is less than the cost of the water and service to the class of customers served.

For such purposes any city or town may take, condemn and purchase, purchase, acquire, and retain water from any public or navigable lake or watercourse, surface or ground, and, by means of aqueducts or pipe lines, conduct it to the city or town; and it may erect and build dams or other works across or at the outlet of any lake or watercourse 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, or for any of the purposes provided for by this chapter, the city or town may occupy and use the beds and shores up to the

high water mark of any such watercourse or lake, and acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named in this chapter, or necessary for any of said purposes, and the city or town may acquire by purchase or condemnation and purchase any properties or privileges necessary to be had to protect its water supply from pollution. Should private property be necessary for any such purposes or for storing water above high water mark, the city or town may condemn and purchase, or purchase and acquire such private property.

**35.92.012 May accept and operate water district's property when boundaries are identical.** A town, whose boundaries are identical with those of a water district which is free from all debts and liabilities except contractual obligations between the district and the town, may accept the property and assets of the water district and operate such property and assets as a municipal waterworks, if the district and the town each participate in a summary dissolution proceedings for the district as provided in RCW 57.04.110.

**35.92.014 Acquisition of out-of-state waterworks.** Municipalities of this state under ordinance of the governing body are empowered to acquire by purchase or lease, and to maintain and operate, in cooperation with neighboring municipalities of states bordering this state, the out-of-state property, plant and equipment of privately owned utilities supplying water to the purchasing municipalities from an out-of-state source: *Provided*, The legislature of the state in which such property, plant, equipment and supply are located, by enabling legislation similar to this, authorizes its municipalities to join in such acquisition, maintenance and operation.

**35.92.015 ————Joint acquisition and operation.** The governing bodies of the municipalities acting jointly under RCW 35.92.014 and this section shall have authority by mutual agreement to exercise jointly all powers granted to each individual municipality in the acquisition, maintenance and operation of a water supply system.

**35.92.020 Authority to acquire and operate sewerage and garbage systems—Classification of services for rates.** A city or town may also construct, condemn and purchase, purchase, acquire, add to, maintain, and operate systems of sewerage, and systems and plants for garbage and refuse collection and disposal, with full authority to manage, regulate, operate, and control them, and to fix the price of service thereof, within and without the limits of the city or town: *Provided*, That the rates charged must be uniform for the same class of customers or service. In classifying customers served or service furnished by such system of sewerage, the city or town governing

body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

**35.92.025 Authority to make charges for connecting to water or sewerage system.** Cities and towns are authorized to charge property owners seeking to connect to the water or sewerage system of the city or town as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the legislative body of the city or town shall determine proper in order that such property owners shall bear their equitable share of the cost of such system. Connection charges collected shall be considered revenue of such system.

**35.92.030 Authority to acquire and operate stone or asphalt plants.** A city or town may also construct, condemn and purchase, purchase, acquire, add to, maintain, and operate works, plants and facilities for the preparation and manufacture of all stone or asphalt products or compositions or other materials which may be used in street construction or maintenance, together with the right to use them, and also fix the price of and sell such products for use in the construction of municipal improvements.

**35.92.040 Authority to acquire and operate public markets and cold storage plants.** A city or town may also construct, acquire, and operate public markets and cold storage plants for the sale and preservation of butter, eggs, meats, fish, fruits, vegetables, and other perishable provisions.

**35.92.050 Authority to acquire and operate utilities.** A city or town may also construct, condemn and purchase, purchase, acquire, add to, maintain and operate works, plants, facilities for the purpose of furnishing the city or town and its inhabitants, 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 kind, necessary and convenient for the use, distribution, and sale thereof; authorize the construction of such plant

or plants by others for the same purpose, and purchase 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 the city or town and regulate and control the use and price thereof.

**35.92.054 May acquire electrical distribution property from public utility district.** Any city or town may acquire by purchase or condemnation from any public utility district or combination of public utility districts any electrical distribution property within the boundaries of such city or town: *Provided*, That such right of condemnation shall not apply to a city or town located within a public utility district that owns the electric distribution properties sought to be condemned.

**35.92.060 Authority to acquire and operate transportation facilities.** A city or town may also construct, condemn and purchase, purchase, acquire, add to, maintain, operate, or lease cable, electric, and other railways, automobiles, motor cars, motor buses, auto trucks, and any and all other forms or methods of transportation of freight or passengers within the corporate limits of the city or town for the transportation of freight and passengers above, upon, or underneath the ground, and fix, alter, regulate, and control the fares and rates to be charged therefor; and without the payment of any license fee or tax, or the filing of a bond with, or the securing of a permit from, the state, or any department thereof, and to engage in, carry on, and operate the business of transporting and carrying passengers or freight for hire by any method or combination of methods that the legislative authority of any 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.

**35.92.070 Procedure.** When the governing body of a city or town deems it advisable that the city or town purchase, acquire, or construct any such public utility or make any additions and betterments thereto or extensions thereof, it 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 ordinance shall be submitted for ratification or rejection to the voters of the city or town at a general or special election, except in the following cases where no submission shall be necessary:

(1) When the work proposed is an addition to, or betterment of, or extension of, or an increased water supply for, existing waterworks, or an addition, betterment, or extension of an existing system or plant of any other public utility for which no general indebtedness is to be incurred by the city or town;

(2) When in the charter of a city or town a provision has been adopted authorizing the corporate authorities thereof to provide by ordinance for acquiring, opening, or operating any of such public utilities, for which no general indebtedness is to be incurred; or

(3) When in the judgment of the corporate authority, the public health is being endangered by the discharge of raw or untreated sewage into any river or stream and the danger to the public health may be abated by the construction and maintenance of a sewage disposal plant for which no general indebtedness shall be incurred by the city or town responsible for such contamination.

If a general indebtedness is to be incurred, the amount and terms thereof shall be included in the proposition submitted to the voters and such proposition shall be adopted by three-fifths of the voters voting at such election.

If no general indebtedness is to be incurred the proposition may be adopted by a majority vote.

Ten days' notice of the election shall be given in the newspaper doing the city or town printing, by publication in each issue of the paper during such time.

When a proposition has been adopted, or in the cases where no submission is necessary, the corporate authorities of the city or town may proceed forthwith to purchase, construct, and acquire the public utility or make additions, betterments, and extensions thereto and to make payment therefor.

**35.92.080 General indebtedness bonds.** When the voters have adopted a proposition for any public utility and have authorized a general indebtedness, general city or town bonds may be issued. The bonds shall be registered or coupon bonds; issued in denominations of not less than one hundred nor more than one thousand dollars; numbered from one up consecutively; bear the date of their issue; payable not more than twenty years from date; and bear interest not exceeding six percent per year, payable semi-annually, with interest coupons attached and the principal and interest shall be made payable at such place as may be designated. The bonds and each coupon shall be signed by the mayor and attested by the clerk under the seal of the city or town.

There shall be levied each year a tax upon the taxable property of the city or town sufficient to pay the interest and principal of the bonds then due, which taxes shall become due and collectible as other taxes. The bonds shall be printed and engraved, or lithographed on good bond paper. The bonds shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town. A register shall be kept of all the bonds, which shall show the number, date, amount, interest, to whom delivered

—if coupon bonds—and the name of the payee—if registered bonds; and when and where payable, and each bond issued or sold.

**35.92.090 Limit of indebtedness.** The total general indebtedness incurred under this chapter, added to all other indebtedness of a city or town at any time outstanding, shall not exceed the amounts of indebtedness authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without and with the assent of the voters: *Provided*, That a city or town may become indebted to a larger amount, but not exceeding the amount authorized therefor by chapter 39.36 RCW, as now or hereafter amended, for supplying it with water, artificial light, and sewers when works for supplying such water, light, and sewers are owned and controlled by the city or town.

**35.92.100 Revenue bonds or warrants.** When the voters of a city or town, or the corporate authorities thereof, have adopted a proposition for any public utility and either no general indebtedness has been authorized or the corporate authorities do not desire to incur a general indebtedness, and when the corporate authorities are authorized to exercise any of the powers conferred by this chapter without submitting the proposition to a vote, the corporate authorities may create a special fund for the sole purpose of defraying the cost of the public utility or addition, betterment, or extension thereto, into which special fund they may obligate and bind the city or town to set aside and pay a fixed proportion of the gross revenues of the 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 issue and sell bonds or warrants bearing interest not exceeding six percent per year, payable semiannually, executed in such manner and payable at such times and places as the corporate authorities shall determine, but the bonds or warrants and the interest thereon shall be payable only out of the special fund. Such bonds shall be negotiable instruments within the meaning of the negotiable instruments law, Title 62, notwithstanding same are made payable out of a particular fund contrary to the provisions of RCW 62.01.003.

When corporate authorities deem it necessary to construct any sewage disposal plant, it may be considered as a part of the waterworks department of the city or town and the cost of construction and maintenance thereof may be chargeable to the water fund of the municipality, or to any other special fund which the corporate authorities may by ordinance designate.

In creating a special fund, the corporate authorities 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 above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Rates shall be maintained adequate to service such bonds and to maintain the utility in sound financial condition.

The bonds or warrants and interest thereon issued against any such fund shall be a valid claim of the holder thereof only as against the special fund and its fixed proportion or amount of the revenue pledged thereto, and shall not constitute an indebtedness of the city or town within the meaning of constitutional provisions and limitations. Each bond or warrant shall state upon its face that it is payable from a special fund, naming it and the ordinance creating it. The bonds and warrants shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town, and they 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.

When a special fund is created and any such obligation is issued against it, 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 such fund as provided in the ordinance creating it, and in case the city or town fails to thus set aside and pay such fixed proportion or amount, the holder of any bond or warrant against the fund may bring action against the city or town and compel such setting aside and payment: *Provided*, That whenever the corporate authorities of any such city or town shall so provide by ordinance then all such bonds thereafter issued shall be on a parity, without regard to date of issuance or authorization and without preference or priority of right or lien with respect to participation of special funds in amounts from gross revenues for payment thereof.

**35.92.110 Funding or refunding bonds.** The legislative authority of a city or town which has any outstanding warrants or bonds issued for the purpose of purchasing, acquiring, or constructing any such public utility or for making any additions or betterments thereto or extensions thereof, whether the warrants or bonds are general obligation warrants or bonds of the municipality or are payable solely from a special fund, into which fund the city or town is bound and obligated to set aside and pay any proportion or part of the revenue of the public utility, for the purchase, acquisition, or construction of which utility or the making of any additions

and betterments thereto or extensions thereof such outstanding warrants or bonds were issued, may, without submitting the matter to the voters, provide for the issuance of funding or refunding bonds with which to take up, cancel, retire, and refund such outstanding warrants or bonds, or any part thereof, at maturity thereof, or before the maturity thereof, if they are subject to call for prior redemption.

**35.92.120** ————**Bonds not general obligation.** Such funding or refunding bonds shall not be a general indebtedness of the city or town, but shall be payable solely from a special fund created therefor by ordinance. Each bond shall state upon its face that it is payable from a special fund, naming the fund and the ordinance creating it.

**35.92.130** ————**Single issue may refund multiple series.** At the option of the legislative authority of the city or town various series and issues of outstanding warrants or bonds, or parts thereof, issued for the purpose of acquiring or constructing any public utility, or for making any additions or betterments thereto or extensions thereof, may be funded or refunded by a single issue of funding or refunding bonds. No proportion or part of the revenue of any one such public utility shall be pledged for the payment of funding or refunding bonds issued to fund or refund warrants or bonds issued for the acquisition or construction, or the making of additions or betterments to or extensions of, any other public utility.

**35.92.140** ————**Issuance of bonds—Ordinance.** When the legislative authority of a city or town determines to issue such funding or refunding bonds, it shall provide therefor by ordinance, which shall create a special fund for the sole purpose of paying the bonds and the interest thereon, into which fund the ordinance shall bind and obligate the city or town to set aside and pay a fixed amount without regard to any fixed proportion out of the gross revenue of the public utility as provided therein. In creating such special fund, the legislative authority shall have due regard to the cost of operation and maintenance of the utility as constructed or added to, and to any proportion or part of the revenue thereof previously pledged as a fund for the payment of bonds, warrants, or other indebtedness, and shall not bind and obligate the city or town to set aside into the fund a greater amount of the revenue of the utility than in its judgment will be available above the cost of maintenance and operation and the amount or proportion of the revenue thereof so previously pledged.

**35.92.150** ————**Terms of bonds.** Such funding or refunding bonds, together with the interest thereon, issued against the special

fund shall be a valid claim of the holder thereof only as against such fund, and the amount of the revenue of the utility pledged thereto, and shall not constitute an indebtedness of the city or town within the meaning of constitutional or statutory provisions and limitations. They shall be sold in such manner as the corporate authorities shall deem for the best interest of the municipality. The rate of interest on the bonds shall not exceed the rate of interest on warrants or bonds to be funded or refunded thereby. Interest on the bonds shall be paid semiannually. The bonds shall be executed in such manner and payable at such time and place as the legislative authority shall by ordinance determine. Nothing in this chapter shall prevent a city from funding or refunding any of its indebtedness in any other manner provided by law.

**35.92.160 ————Recourse of bondholders.** When such funding or refunding bonds have been issued and the city or town fails to set aside and pay into the special fund from which they are payable, the amount without regard to any fixed proportion out of the gross revenue of the public utility which the city or town has, by ordinance bound and obligated itself to set aside and pay into the special fund, the holder of any funding or refunding bond may bring action against the city or town and compel such setting aside and payment.

**35.92.170 City may extend water system outside limits.** When a city or town owns or operates a municipal waterworks system and desires to extend such utility beyond its corporate limits it may acquire, construct and maintain any addition to or extension of the system, and dispose of and distribute water to any other municipality, water district, community, or person desiring to purchase it.

**35.92.180 ————May acquire property outside city.** A city or town may construct, purchase, or acquire any waterworks, pipe lines, distribution systems and any extensions thereof, necessary to furnish such outside service.

**35.92.190 ————Cannot condemn irrigation system.** No city or town may exercise the power of eminent domain to take or damage any waterworks, storage reservoir, site, pipe line distribution system or any extension thereof, or any water right, water appropriation, dam, canal, plant, or any interest in, or to any of the above used, operated, held, or owned by an irrigation district.

**35.92.200 ————Contracts for outside service.** A city or town may enter into a firm contract with any outside municipality, community, corporation, or person, for furnishing them with water without regard to whether said water shall be considered as surplus

or not and regardless of the source from which such water is obtained, which contract may fix the terms upon which the outside distribution systems will be installed and the rates at which and the manner in which payment shall be made for the water supplied or for the service rendered.

**35.92.220 Acquisition of water rights.** A city or town, other than a city of the first class, situated within an irrigation project, owned or operated by the United States government, a water users' association or corporation, or another city or town, where the legislative body deems it feasible to furnish water for irrigation and domestic purposes, and where the water used for irrigation and domestic purposes is appurtenant or may become appurtenant to the land located within such city or town, may purchase, lease or otherwise acquire water or water rights for the purpose of furnishing the city or town and the inhabitants thereof with a supply of water for irrigation and domestic purposes; purchase, construct or otherwise acquire systems and means of distribution and delivery of water within and without the limits of the city or town, or for the delivery of water where the owner of land within the city or town owns a water right appurtenant to his land, with full power to maintain, repair, reconstruct, regulate, and control the same, and if private property is necessary for such purposes, the city or town may condemn and purchase or purchase and acquire property, enter into any contract, and order any and all work to be done which shall be necessary to carry out such purposes, and it may do so either by the entire city or town or by assessment districts, consisting of the whole or any portion thereof, as the legislative body of the city or town may determine.

**35.92.230 ———Special assessments.** For the purpose of paying for a water right purchased by the city or town from the United States government where the purchase price has not been fully paid; paying annual maintenance or annual rental charge to the United States government or other corporation or individual furnishing the water for irrigation and domestic purposes; paying assessments made by any water users' association; paying the cost of constructing or acquiring any system or means of distribution or delivery of water for said purposes; and for the upkeep, repair, reconstruction, operation, and maintenance thereof and any expense incidental to said purposes, the city or town may levy and collect special assessments to pay the whole or any part of the cost and expense of any such improvement.

**35.92.240 ———Levy of assessments.** All such assessments shall be levied upon the several parcels of land located within the local improvement district in accordance to the special benefits

conferred on such property in proportion to the surface area, one square foot of surface to be the unit of assessment: *Provided*, That where the water right is acquired or a special improvement is made for a portion of any district, the cost of the water right or the cost of such special improvement shall be levied in the same manner upon such portion of the district as shall be specially benefited thereby: *Provided further*, That whenever a special improvement is made for a portion of any district, the land assessed for the cost thereof shall be entitled to an equitable reduction in the annual assessments in proportion to the reduced cost of operation on account of the construction of the improvement.

**35.92.250** ————**District property need not be contiguous.** One local improvement district may be established for any or all of the purposes embraced herein even though the area assessed for such purposes may not coincide or be contiguous: *Provided*, That whenever the legislative body of the city or town decides to construct a special improvement in a distribution system, a separate local improvement district may be formed for such portion and bonds may be issued therefor as provided in the general local improvement law.

**35.92.260** ————**Mode of assessment.** When a city or town makes local improvements for the purposes herein provided, the proceedings relative to the creation of districts, levying and collecting assessments and all other procedure shall be had, and the legislative body may proceed in accordance with all the provisions of the municipal local improvement law: *Provided*, That when the improvement is initiated upon petition, the petition shall set forth the fact that the signers are the owners according to the records in the office of the county auditor, of property to an aggregate amount of a majority of the surface area within the limits of the assessment district to be created: *Provided further*, That when an assessment is made for any purpose other than the construction or reconstruction of any system or means of distribution or delivery of water, it shall not be necessary for the legislative body to be furnished with a statement of the aggregate assessed valuation of the real estate exclusive of improvements in the district according to the valuation last placed upon it for purposes of general taxation, or the estimated amount of the cost of the improvement to be borne by each tract of land or other property, but a statement by the engineer or other officer, showing the estimated cost of the improvement per square foot, shall be sufficient: *Provided further*, That when an assessment roll is once prepared and does not include the cost of purchase, construction, or reconstruction of works of delivery or distribution and the legislative body of such city or town decides

to raise a similar amount the ensuing year, it shall not be necessary to prepare a new assessment roll, but the legislative body may pass a resolution of intention estimating the cost for the ensuing year to be the same as the preceding year, and directing the clerk to give notice stating the estimated cost per square foot of all land within the district and refer persons interested to the books of the treasurer. The treasurer shall be present at the hearing and shall note any changes on his books. The legislative body shall have the same right to make changes in the assessment roll as in an original assessment, and after all changes have been made it shall, by ordinance, confirm the assessment and direct the treasurer to extend it on the books of his office.

**35.92.270 Passenger transportation systems—Authority to make studies—Contracts with and acquisition of privately owned systems.** Every passenger transportation system owned by a municipal corporation may:

(1) Engage in planning, studies and surveys with respect to areas within and beyond the corporate boundaries of such municipal corporation, in order to develop a sound factual basis for any possible future adjustment or expansion of such municipally owned passenger transportation system;

(2) Purchase or lease privately owned passenger transportation systems: *Provided*, That such purchases shall not, per se, extend the area of service of such municipally owned passenger transportation system;

(3) Contract with privately owned passenger transportation systems in order to provide adequate service in the service area of the municipal transportation system.

**35.92.280 Cities over 150,000, joint undertaking with P.U.D. as to electric utility properties—"Electric utility properties" defined.** As used in RCW 35.92.280 through 35.92.310 "electric utility properties" shall mean any and all permits, licenses, property rights, water rights and any and all works, plants, dams, powerhouses, transmission lines, switchyards, substations, property and facilities of every kind and character which may be used, or may be useful, in the generation and transmission of electric power and energy, produced by water power, steam or any other methods.

**35.92.290 ————Agreements.** Any city or town with a population over one hundred fifty thousand within the state of Washington owning an electric public utility is authorized to cooperate with any public utility district within this state in the joint acquisition, purchase, construction, ownership, maintenance and operation, within or without the respective limits of any such city or town or public utility district, of electric utility properties. The

respective governing bodies of any such city or town and of any such public utility district desiring to cooperate in the joint ownership, maintenance and operation of electric utility properties pursuant to the authority contained in RCW 35.92.280 through 35.92.310, shall by mutual agreement provide for such joint ownership, maintenance and operation. Such agreement shall prescribe the rights and property interest which the parties thereto shall have in such electric utility properties, which property interest may be either divided or undivided and shall further provide for the rights of the parties thereto in the ownership and disposition of the power and energy produced by such electric utility properties, and for the operation and management thereof.

**35.92.300 ————Financing.** Any city or town and any public utility district cooperating under the provisions of RCW 35.92.280 through 35.92.310 may, without an election or other proceedings under any existing law, contribute money and property, both real and personal, to any joint undertaking pursuant hereto, and may issue and sell revenue bonds to pay its respective share of the costs of acquisition and construction of such electric utility properties. Such bonds shall be issued under the provisions of applicable laws authorizing the issuance of revenue bonds for the acquisition and construction of electric public utility properties by cities, towns and public utility districts, as the case may be.

**35.92.310 ————Authority granted is additional power.** The authority and power granted by RCW 35.92.280 through 35.92.310 is an additional grant of power to cities, towns, and public utility districts to acquire and operate electric public utilities, and the provisions hereof shall be construed liberally to effectuate the authority herein conferred, and no restriction or limitation prescribed in any other law shall prohibit the cities, towns and public utility districts of this state from exercising the authority herein conferred: *Provided*, That nothing in RCW 35.92.280 through 35.92.310 shall authorize any public utility district or city cooperating under the provisions of RCW 35.92.280 through 35.92.310 to condemn any property owned or operated by any privately owned utility.

## Chapter 35.94

### SALE OR LEASE OF MUNICIPAL UTILITIES

**35.94.010 Authority to sell or let.** A city may lease for any term of years or sell and convey any public utility works, plant, or system owned by it or any part thereof, together with all or any equipment and appurtenances thereof.

**35.94.020 Procedure.** The legislative authority of the city, if it deems it advisable to lease or sell such works, plant, or system, or any part thereof, shall adopt a resolution stating whether it desires to lease or sell. If it desires to lease, the resolution shall state the general terms and conditions of the lease, but not the rent. If it desires to sell the general terms of sale shall be stated but not the price. The resolution shall direct the city clerk, or other proper official, to publish the resolution not less than once a week for four weeks in the official newspaper of the city if there is one, or if not, then in any newspaper published in the city, or if there is none, then in any newspaper published in the county in which the city is located, together with a notice calling for sealed bids to be filed with the clerk or other proper official not later than a certain time, accompanied by a certified check payable to the order of the city, for such amount as the resolution shall require, or a deposit of a like sum in money. Each bid shall state that the bidder agrees that if his bid is accepted and he fails to comply therewith within the time hereinafter specified, the check or deposit shall be forfeited to the city. If bids for a lease are called for, bidders shall bid the amount to be paid as the rent for each year of the term of the lease. If bids for a sale are called for, the bids shall state the price offered. The legislative authority of the city may reject any or all bids and accept any bid which it deems best. At the first meeting of the legislative authority of the city held after the expiration of the time fixed for receiving bids, or at some later meeting, the bids shall be considered. In order for such legislative authority to declare it advisable to accept any bid it shall be necessary for two-thirds of all the members elected to such legislative authority to vote in favor of a resolution making the declaration. If the resolution is adopted it shall be necessary, in order that such bid be accepted, to enact an ordinance accepting it and directing the execution of a lease or conveyance by the mayor and city clerk or other proper official. Such ordinance shall not take effect until it has been submitted to the voters of the city for their approval or rejection at the next general election or at a special election called for that purpose, and a majority of the voters voting thereon have approved it. If approved it shall take effect as soon as the result of the vote is proclaimed by the mayor. If it is so submitted and fails of approval, it shall be rejected and annulled. The mayor shall proclaim the vote as soon as it is properly certified.

**35.94.030 Execution of lease or conveyance.** Upon the taking effect of the ordinance the mayor and the city clerk or other proper official shall execute, in the name and on behalf of the city, the lease or conveyance directed thereby. The lessee or grantee shall accept and execute the instrument within ten days after notice of



its execution by the city or forfeit to the city, the amount of the check or deposit accompanying his bid: *Provided*, That if litigation in good faith is instituted within ten days to determine the rights of the parties, no forfeiture shall take place unless the lessee or grantee fails for five days after the termination of the litigation in favor of the city to accept and execute the lease or conveyance.

## Chapter 35.98

### CONSTRUCTION

**35.98.010 Continuation of existing law.** The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

**35.98.020 Title, chapter, section headings not part of law.** Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

**35.98.030 Invalidity of part of title not to affect remainder.** If any provision, section, or chapter of this title or its application to any person or circumstance is held invalid, the remainder of the provision, section, chapter, or title, or the application thereof to other persons or circumstances is not affected.

**35.98.040 Repeals and saving.** The following acts or parts of acts are repealed:

- (1) Chapter 56, Laws of 1963;
- (2) Chapter 57, Laws of 1963;
- (3) Chapter 72, Laws of 1963;
- (4) Chapter 115, Laws of 1963;
- (5) Chapter 119, Laws of 1963;
- (6) Section 1, chapter 127, Laws of 1963;
- (7) Chapter 130, Laws of 1963;
- (8) Chapter 131, Laws of 1963;
- (9) Chapter 155, Laws of 1963;
- (10) Chapter 170, Laws of 1963;
- (11) Chapter 184, Laws of 1963;
- (12) Chapter 191, Laws of 1963;
- (13) Sections 12, 13, 14, 15, and 16, chapter 200, Laws of 1963;
- (14) Chapter 222, Laws of 1963;
- (15) Chapter 231, Laws of 1963;
- (16) Chapter 33, Laws of 1961;
- (17) Chapter 46, Laws of 1961;
- (18) Chapter 51, Laws of 1961;

- (19) Chapter 58, Laws of 1961;
- (20) Chapter 70, Laws of 1961;
- (21) Chapter 81, Laws of 1961;
- (22) Chapter 89, Laws of 1961;
- (23) Chapter 111, Laws of 1961;
- (24) Chapter 125, Laws of 1961;
- (25) Chapter 149, Laws of 1961;
- (26) Chapter 165, Laws of 1961;
- (27) Chapter 166, Laws of 1961;
- (28) Chapter 186, Laws of 1961;
- (29) Section 2, chapter 195, Laws of 1961;
- (30) Chapter 200, Laws of 1961;
- (31) Chapter 212, Laws of 1961;
- (32) Chapter 213, Laws of 1961;
- (33) Chapter 245, Laws of 1961;
- (34) Sections 7, 9, 10, 11, and 12, chapter 268, Laws of 1961;
- (35) Section 4, chapter 277, Laws of 1961;
- (36) Chapter 282, Laws of 1961;
- (37) Chapter 45, Laws of 1959;
- (38) Sections 1, 2, and 3, chapter 75, Laws of 1959;
- (39) Chapter 76, Laws of 1959;
- (40) Chapter 79, Laws of 1959;
- (41) Chapter 80, Laws of 1959;
- (42) Chapter 82, Laws of 1959;
- (43) Sections 2, 3, and 4, chapter 86, Laws of 1959;
- (44) Chapter 90, Laws of 1959;
- (45) Chapter 93, Laws of 1959;
- (46) Chapter 203, Laws of 1959;
- (47) Chapter 261, Laws of 1959;
- (48) Chapter 302, Laws of 1959;
- (49) Chapter 311, Laws of 1959;
- (50) Chapter 42, Laws of 1957;
- (51) Chapter 44, Laws of 1957;
- (52) Chapter 56, Laws of 1957;
- (53) Sections 1 through 8, chapter 97, Laws of 1957;
- (54) Chapter 113, Laws of 1957;
- (55) Chapter 114, Laws of 1957;
- (56) Chapter 117, Laws of 1957;
- (57) Chapter 119, Laws of 1957;
- (58) Chapter 121, Laws of 1957;
- (59) Chapter 123, Laws of 1957;
- (60) Section 1, chapter 126, Laws of 1957;
- (61) Chapter 130, Laws of 1957;
- (62) Chapter 143, Laws of 1957;
- (63) Chapter 144, Laws of 1957;

- (64) Chapter 156, Laws of 1957;
- (65) Chapter 166, Laws of 1957;
- (66) Chapter 173, Laws of 1957;
- (67) Sections 13, 14, and 15, chapter 175, Laws of 1957;
- (68) Chapter 180, Laws of 1957;
- (69) Chapter 194, Laws of 1957;
- (70) Chapter 209, Laws of 1957;
- (71) Chapter 213, Laws of 1957;
- (72) Sections 1 through 4, chapter 224, Laws of 1957;
- (73) Chapter 239, Laws of 1957;
- (74) Chapter 282, Laws of 1957;
- (75) Chapter 287, Laws of 1957;
- (76) Chapter 288, Laws of 1957;
- (77) Section 1, chapter 9, Laws of 1955 extraordinary session;
- (78) Sections 4 through 10, chapter 55, Laws of 1955;
- (79) Chapter 81, Laws of 1955;
- (80) Chapter 145, Laws of 1955;
- (81) Chapter 252, Laws of 1955;
- (82) Chapter 266, Laws of 1955;
- (83) Chapter 290, Laws of 1955;
- (84) Chapter 309, Laws of 1955;
- (85) Chapter 319, Laws of 1955;
- (86) Chapter 322, Laws of 1955;
- (87) Chapter 337, Laws of 1955;
- (88) Chapter 345, Laws of 1955;
- (89) Chapter 353, Laws of 1955;
- (90) Chapter 354, Laws of 1955;
- (91) Chapter 355, Laws of 1955;
- (92) Section 2, chapter 358, Laws of 1955;
- (93) Chapter 364, Laws of 1955;
- (94) Chapter 365, Laws of 1955;
- (95) Section 4, chapter 378, Laws of 1955;
- (96) Chapter 19, Laws of 1953;
- (97) Chapter 26, Laws of 1953;
- (98) Chapter 27, Laws of 1953;
- (99) Chapter 38, Laws of 1953;
- (100) Chapter 60, Laws of 1953;
- (101) Chapter 67, Laws of 1953;
- (102) Chapter 86, Laws of 1953;
- (103) Chapter 97, Laws of 1953;
- (104) Chapter 117, Laws of 1953;
- (105) Chapter 134, Laws of 1953;
- (106) Chapter 177, Laws of 1953;
- (107) Chapter 180, Laws of 1953;
- (108) Chapter 190, Laws of 1953;
- (109) Chapter 194, Laws of 1953;

- (110) Chapter 219, Laws of 1953;
- (111) Chapter 231, Laws of 1953;
- (112) Chapter 269, Laws of 1953;
- (113) Chapter 27, Laws of 1951 second extraordinary session;
- (114) Chapter 21, Laws of 1951;
- (115) Chapter 35, Laws of 1951;
- (116) Chapter 39, Laws of 1951;
- (117) Chapter 46, Laws of 1951;
- (118) Chapter 47, Laws of 1951;
- (119) Chapter 65, Laws of 1951;
- (120) Chapter 71, Laws of 1951;
- (121) Chapter 80, Laws of 1951;
- (122) Chapter 85, Laws of 1951;
- (123) Chapter 86, Laws of 1951;
- (124) Section 2, chapter 100, Laws of 1951;
- (125) Chapter 104, Laws of 1951;
- (126) Chapter 109, Laws of 1951;
- (127) Chapter 153, Laws of 1951;
- (128) Chapter 154, Laws of 1951;
- (129) Chapter 162, Laws of 1951;
- (130) Chapter 179, Laws of 1951;
- (131) Section 1, chapter 211, Laws of 1951;
- (132) Chapter 217, Laws of 1951;
- (133) Chapter 248, Laws of 1951;
- (134) Chapter 252, Laws of 1951;
- (135) Section 1, chapter 272, Laws of 1951;
- (136) Section 1, chapter 275, Laws of 1951;
- (137) Chapter 14, Laws of 1949;
- (138) Chapter 28, Laws of 1949;
- (139) Chapter 83, Laws of 1949;
- (140) Chapter 84, Laws of 1949;
- (141) Chapter 113, Laws of 1949;
- (142) Chapter 118, Laws of 1949;
- (143) Chapter 151, Laws of 1949;
- (144) Chapter 164, Laws of 1949;
- (145) Chapter 177, Laws of 1949;
- (146) Chapter 233, Laws of 1949;
- (147) Chapter 28, Laws of 1947;
- (148) Chapter 117, Laws of 1947;
- (149) Chapter 151, Laws of 1947;
- (150) Chapter 155, Laws of 1947;
- (151) Chapter 162, Laws of 1947;
- (152) Section 3, chapter 212, Laws of 1947;
- (153) Chapter 214, Laws of 1947;
- (154) Chapter 245, Laws of 1947;

- (155) Chapter 43, Laws of 1945;
- (156) Chapter 55, Laws of 1945;
- (157) Chapter 58, Laws of 1945;
- (158) Chapter 70, Laws of 1945: *Provided*, That such repeal shall not affect sec. 36.48.110, chapter 4, Laws of 1963;
- (159) Chapter 128, Laws of 1945;
- (160) Chapter 190, Laws of 1945;
- (161) Chapter 214, Laws of 1945;
- (162) Chapter 240, Laws of 1945;
- (163) Sections 1, 3, and 4, chapter 25, Laws of 1943;
- (164) Section 1, chapter 80, Laws of 1943;
- (165) Section 12, chapter 82, Laws of 1943;
- (166) Chapter 92, Laws of 1943;
- (167) Chapter 100, Laws of 1943;
- (168) Chapter 183, Laws of 1943;
- (169) Chapter 213, Laws of 1943;
- (170) Sections 2 through 7, chapter 244, Laws of 1943;
- (171) Sections 1 through 22, chapter 264, Laws of 1943;
- (172) Chapter 270, Laws of 1943;
- (173) Chapter 271, Laws of 1943;
- (174) Chapter 18, Laws of 1941: *Provided*, That such repeal shall not affect sec. 36.48.110, chapter 4, Laws of 1963;
- (175) Chapter 25, Laws of 1941;
- (176) Chapter 27, Laws of 1941;
- (177) Chapter 49, Laws of 1941;
- (178) Chapter 57, Laws of 1941;
- (179) Chapter 60, Laws of 1941;
- (180) Chapter 69, Laws of 1941;
- (181) Chapter 74, Laws of 1941;
- (182) Chapter 75, Laws of 1941;
- (183) Chapter 80, Laws of 1941;
- (184) Chapter 85, Laws of 1941;
- (185) Chapter 88, Laws of 1941;
- (186) Chapter 90, Laws of 1941;
- (187) Chapter 91, Laws of 1941;
- (188) Chapter 96, Laws of 1941;
- (189) Chapter 108, Laws of 1941;
- (190) Chapter 115, Laws of 1941;
- (191) Chapter 145, Laws of 1941;
- (192) Chapter 147, Laws of 1941;
- (193) Chapter 186, Laws of 1941;
- (194) Sections 1 through 12, chapter 193, Laws of 1941;
- (195) Chapter 23, Laws of 1939;
- (196) Chapter 24, Laws of 1939;
- (197) Chapter 87, Laws of 1939;

- (198) Chapter 96, Laws of 1939;
- (199) Chapter 105, Laws of 1939;
- (200) Chapter 115, Laws of 1939;
- (201) Chapter 16, Laws of 1937;
- (202) Chapter 79, Laws of 1937;
- (203) Chapter 98, Laws of 1937;
- (204) Chapter 110, Laws of 1937;
- (205) Section 64, chapter 187, Laws of 1937;
- (206) Chapter 32, Laws of 1935;
- (207) Chapter 37, Laws of 1935;
- (208) Chapter 44, Laws of 1935;
- (209) Chapter 45, Laws of 1935;
- (210) Chapter 81, Laws of 1935;
- (211) Chapter 17, Laws of 1933 extraordinary session;
- (212) Section 81, chapter 62, Laws of 1933 extraordinary session:  
*Provided*, That such repeal shall not affect sec. 36.27.020 (13), chapter 4, Laws of 1963;
- (213) Sections 1 and 2, chapter 9, Laws of 1933;
- (214) Sections 1, 2, and 3, chapter 51, Laws of 1933;
- (215) Chapter 83, Laws of 1933;
- (216) Chapter 107, Laws of 1933;
- (217) Chapter 109, Laws of 1933;
- (218) Chapter 128, Laws of 1933;
- (219) Chapter 135, Laws of 1933;
- (220) Chapter 163, Laws of 1933;
- (221) Chapter 53, Laws of 1931;
- (222) Chapter 85, Laws of 1931;
- (223) Sections 4 and 5, chapter 87, Laws of 1931;
- (224) Chapter 61, Laws of 1929;
- (225) Chapter 63, Laws of 1929;
- (226) Sections 1 through 14, chapter 64, Laws of 1929;
- (227) Chapter 85, Laws of 1929;
- (228) Chapter 97, Laws of 1929;
- (229) Chapter 98, Laws of 1929;
- (230) Chapter 139, Laws of 1929;
- (231) Chapter 142, Laws of 1929;
- (232) Chapter 143, Laws of 1929;
- (233) Chapter 182, Laws of 1929;
- (234) Chapter 183, Laws of 1929;
- (235) Chapter 186, Laws of 1929: *Provided*, That such repeal shall not affect secs. 36.48.110 through 36.48.150, chapter 4, Laws of 1963;
- (236) Chapter 192, Laws of 1929;
- (237) Chapter 204, Laws of 1929;
- (238) Chapter 212, Laws of 1929;

- (239) Chapter 52, Laws of 1927;
- (240) Chapter 109, Laws of 1927;
- (241) Chapter 159, Laws of 1927;
- (242) Chapter 168, Laws of 1927;
- (243) Chapter 203, Laws of 1927;
- (244) Section 1, chapter 207, Laws of 1927;
- (245) Chapter 209, Laws of 1927;
- (246) Chapter 210, Laws of 1927;
- (247) Chapter 261, Laws of 1927;
- (248) Chapter 273, Laws of 1927;
- (249) Sections 1 through 6, chapter 275, Laws of 1927;
- (250) Chapter 293, Laws of 1927;
- (251) Chapter 61, Laws of 1925 extraordinary session;
- (252) Chapter 76, Laws of 1925 extraordinary session;
- (253) Chapter 81, Laws of 1925 extraordinary session;
- (254) Chapter 97, Laws of 1925 extraordinary session;
- (255) Chapter 117, Laws of 1925 extraordinary session;
- (256) Chapter 121, Laws of 1925 extraordinary session;
- (257) Chapter 125, Laws of 1925 extraordinary session;
- (258) Chapter 137, Laws of 1925 extraordinary session;
- (259) Chapter 146, Laws of 1925 extraordinary session
- (260) Section 1, chapter 159, Laws of 1925 extraordinary ses-  
sion;
- (261) Chapter 168, Laws of 1925 extraordinary session;
- (262) Chapter 170, Laws of 1925 extraordinary session;
- (263) Chapter 183, Laws of 1925 extraordinary session;
- (264) Chapter 12, Laws of 1925;
- (265) Chapter 18, Laws of 1923;
- (266) Chapter 52, Laws of 1923;
- (267) Chapter 92, Laws of 1923;
- (268) Chapter 135, Laws of 1923;
- (269) Chapter 141, Laws of 1923;
- (270) Section 1, chapter 153, Laws of 1923;
- (271) Chapter 158, Laws of 1923;
- (272) Chapter 173, Laws of 1923;
- (273) Chapter 176, Laws of 1923;
- (274) Chapter 179, Laws of 1923;
- (275) Chapter 182, Laws of 1923;
- (276) Chapter 24, Laws of 1921;
- (277) Chapter 70, Laws of 1921;
- (278) Chapter 92, Laws of 1921;
- (279) Chapter 128, Laws of 1921;
- (280) Chapter 70, Laws of 1919;
- (281) Chapter 113, Laws of 1919;
- (282) Chapter 135, Laws of 1919;

- (283) Chapter 138, Laws of 1919;
- (284) Section 2, chapter 167, Laws of 1919;
- (285) Chapter 58, Laws of 1917;
- (286) Chapter 59, Laws of 1917;
- (287) Chapter 63, Laws of 1917;
- (288) Chapter 96, Laws of 1917;
- (289) Chapter 99, Laws of 1917;
- (290) Section 1, chapter 103, Laws of 1917;
- (291) Chapter 124, Laws of 1917;
- (292) Chapter 137, Laws of 1917;
- (293) Chapter 139, Laws of 1917;
- (294) Chapter 140, Laws of 1917;
- (295) Chapter 141, Laws of 1917;
- (296) Sections 1 and 2, chapter 13, Laws of 1915;
- (297) Chapter 17, Laws of 1915;
- (298) Chapter 87, Laws of 1915;
- (299) Chapter 112, Laws of 1915;
- (300) Chapter 134, Laws of 1915;
- (301) Chapter 148, Laws of 1915;
- (302) Chapter 149, Laws of 1915;
- (303) Chapter 168, Laws of 1915;
- (304) Sections 1 through 16, and 18 through 33, chapter 184,  
Laws of 1915;
- (305) Chapter 185, Laws of 1915;
- (306) Chapter 186, Laws of 1915;
- (307) Chapter 16, Laws of 1913;
- (308) Chapter 45, Laws of 1913;
- (309) Chapter 57, Laws of 1913;
- (310) Chapter 103, Laws of 1913;
- (311) Chapter 118, Laws of 1913;
- (312) Chapter 131, Laws of 1913;
- (313) Sections 1 and 2, chapter 17, Laws of 1911;
- (314) Chapter 31, Laws of 1911;
- (315) Chapter 32, Laws of 1911;
- (316) Chapter 33, Laws of 1911;
- (317) Chapter 67, Laws of 1911;
- (318) Section 1 and sections 3 through 72, chapter 98, Laws  
of 1911;
- (319) Chapter 103, Laws of 1911;
- (320) Sections 1 through 6, and 10 through 25, chapter 116,  
Laws of 1911;
- (321) Chapter 10, Laws of 1909 extraordinary session;
- (322) Chapter 14, Laws of 1909 extraordinary session;
- (323) Chapter 40, Laws of 1909;
- (324) Chapter 71, Laws of 1909;



- (325) Chapter 83, Laws of 1909;
- (326) Chapter 108, Laws of 1909;
- (327) Chapter 111, Laws of 1909;
- (328) Chapter 120, Laws of 1909;
- (329) Sections 1 through 5, chapter 128, Laws of 1909;
- (330) Chapter 130, Laws of 1909;
- (331) Chapter 131, Laws of 1909;
- (332) Chapter 147, Laws of 1909;
- (333) Sections 1 through 4, chapter 150, Laws of 1909;
- (334) Chapter 161, Laws of 1909;
- (335) Chapter 167, Laws of 1909;
- (336) Chapter 22, Laws of 1907;
- (337) Chapter 41, Laws of 1907;
- (338) Chapter 61, Laws of 1907;
- (339) Chapter 89, Laws of 1907;
- (340) Chapter 98, Laws of 1907;
- (341) Chapter 227, Laws of 1907;
- (342) Chapter 228, Laws of 1907;
- (343) Sections 1 through 32, 34 through 52, 57 through 67,  
and 69 through 74, chapter 241, Laws of 1907;
- (344) Chapter 243, Laws of 1907;
- (345) Chapter 245, Laws of 1907;
- (346) Chapter 248, Laws of 1907;
- (347) Chapter 29, Laws of 1905;
- (348) Chapter 75, Laws of 1905;
- (349) Chapter 103, Laws of 1905;
- (350) Chapter 29, Laws of 1903;
- (351) Chapter 30, Laws of 1903;
- (352) Sections 4 and 5, chapter 113, Laws of 1903;
- (353) Chapter 120, Laws of 1903;
- (354) Chapter 141, Laws of 1903;
- (355) Chapter 186, Laws of 1903;
- (356) Chapter LXXXIV(84), Laws of 1901;
- (357) Chapter CXVII(117), Laws of 1901;
- (358) Chapter CXLIX(149), page 346, Laws of 1901;
- (359) Chapter XXXI(31), Laws of 1899;
- (360) Chapter LX(60), Laws of 1899;
- (361) Chapter LXIX(69), Laws of 1899;
- (362) Chapter LXX(70), Laws of 1899;
- (363) Chapter LXXIX(79), Laws of 1899;
- (364) Chapter LXXXV(85), Laws of 1899;
- (365) Chapter XCVII(97), Laws of 1899;
- (366) Chapter CIII(103), Laws of 1899;
- (367) Chapter LXIX(69), Laws of 1897;
- (368) Chapter LXXXIV(84), Laws of 1897;

- (369) Chapter XIII(13), Laws of 1895;  
 (370) Chapter XXVII(27), Laws of 1895;  
 (371) Chapter XCIII(93), Laws of 1895;  
 (372) Section 1, chapter CXXX(130), Laws of 1895;  
 (373) Chapter CLII(152), Laws of 1895: *Provided*, That such repeal shall not affect sec. 36.29.060 and 36.29.070, chapter 4, Laws of 1963;  
 (374) Chapter XV(15), Laws of 1893;  
 (375) Section 1, chapter XLVIII(48), Laws of 1893: *Provided*, That such repeal shall not affect sec. 36.29.040, chapter 4, Laws of 1963;  
 (376) Chapter LVIII(58), Laws of 1893;  
 (377) Chapter CXXVIII(128), Laws of 1891;  
 (378) Chapter CXXXII(132), Laws of 1891;  
 (379) Sections 1 through 7, pages 54 and 55, Laws of 1890;  
 (380) Chapter VII(7), pages 131 through 215, except sections 4, 5, 7, and 8 thereof, Laws of 1890;  
 (381) Sections 1 through 9, pages 215 through 224, Laws of 1890;  
 (382) Sections 1 through 4, 6, and 7, pages 225 through 227, Laws of 1890;  
 (383) "An Act declaring certain streets in incorporated cities public highways, and placing the same under corporate authorities." Approved February 28, 1890, page 733, Laws of 1890.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any actions, activities or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, resolution, charter, ordinance, or order adopted or promulgated thereunder, nor any administrative action taken thereunder, nor the term of office, or appointment or employment of any person appointed or employed thereunder.

The repeal of said acts and parts of acts shall not be construed as reviving any former acts amended, superseded, or expressly or impliedly repealed thereby, nor as abrogating any savings clauses or other conditions contained in any repealer sections which are herein repealed, nor as abrogating any validations accomplished by any statutes herein repealed.

**35.98.050 Emergency.** This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions and shall take effect immediately.

Passed the Senate March 3, 1965.

Passed the House March 4, 1965.

Approved by the Governor March 5, 1965.

Explanatory  
note.

## Title 35

CITIES AND TOWNS  
EXPLANATORY NOTE

## I. Introductory

As a part of the program to restore session law language to the Revised Code of Washington, the code reviser's office and codifications subcommittee of the Statute Law Committee have carefully examined the provisions of Title 35. Pursuant to such study it was determined that the confused statutory history of the subject matter contained therein, the division and combining of session law sections by the 1941 Code Committee to create the present Title 35, and the subsequent ratification by the legislature of parts of the title by the amendment of many of the RCW sections, have all combined to make any general restoration of the session law text an impossibility. In view of the foregoing and in view of the fact that the present RCW Title 35 has been in use for a period of fourteen years, the codifications subcommittee of the Statute Law Committee, after submitting the study and work materials relating to this title to the attorney general's office, the division of municipal corporations, the association of Washington Cities, various city attorneys and other interested persons, and conferring with such representatives thereof as attended the meetings held for the purpose of considering the provisions hereof, herewith presents for enactment as primary law the provisions of RCW Title 35, incorporating therein such restorations and corrections as may be made without changing the substance of the law.

Except as otherwise noted the translation of the term "this act" into "this chapter", and other similar translations which appear in the 1941 revision have been accepted without comment.

Reviser's cross reference sections, and memorials to sections heretofore repealed, are omitted without comment but will be republished in RCW.

The remainder of these notes consist of source notes and a section by section comment regarding this reenactment. The complete study materials relating to this title are on permanent file in the office of the code reviser, at Olympia.

## II. Section comment

## Chapter 35.01 Municipal Corporations Classified

35.01.010 Source—[1955 c 319 § 2. Prior: (i) 1890 p 140 § 11, part; RRS § 8932, part. (ii) 1907 c 248 § 1, part; 1890 p 140 § 12, part; RRS § 8933, part.]

This section and 35.01.020 may be affected if SJR #1 is ratified at the November 3rd election. See notes at 35.21.600.

35.01.020 Source—[1955 c 319 § 3. Prior: (i) 1890 p 140 § 11, part; RRS § 8932, part. (ii) 1907 c 248 § 1, part; 1890 p 140 § 12, part; RRS § 8933, part.]

35.01.030 Source—[1955 c 319 § 4. Prior: (i) 1890 p 140 § 11, part; RRS § 8932, part. (ii) 1907 c 248 § 1, part; 1890 p 140 § 12, part; RRS § 8933, part.]

35.01.040 Source—[1963 c 119 § 2; 1955 c 319 § 5. Prior: (i) 1890 p 140 § 11, part; RRS § 8932, part. (ii) 1890 p 141 § 13; RRS § 8934.]

## Chapter 35.02 Incorporation Proceedings

35.02.010 Source—[1963 c 57 § 1; 1890 p 131 § 1; 1888 p 221 § 1; 1877 p 173 § 1; 1871 p 51 § 1; RRS § 8883.]

"The effective date of this 1963 amendatory act" to "June 12, 1963"

35.02.020 Source—[1957 c 173 § 2. Prior: 1953 c 219 § 1; 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]

- 35.02.030 Source—[1957 c 173 § 3. Prior: 1953 c 219 § 2; 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.] Explanatory note.
- 35.02.035 Source—[1953 c 219 § 8.]
- 35.02.040 Source—[1957 c 173 § 4. Prior: 1953 c 219 § 3; 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]
- 35.02.050 Source—[1957 c 173 § 5. Prior: 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]
- 35.02.060 Source—[1957 c 173 § 6. Prior: 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]
- 35.02.070 Source—[1963 c 57 § 2; 1957 c 173 § 7. Prior: 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]
- 35.02.080 Source—[1957 c 173 § 8. Prior: 1953 c 219 § 4; 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]
- 35.02.085 Source—[1951 c 86 § 1.] Repealed by 1953 c 219 § 10.
- 35.02.086 Source—[1953 c 219 § 9.]
- 35.02.090 Source—[1890 p 133 § 3, part; RRS § 8885, part.]
- 35.02.100 Source—[1957 c 173 § 9. Prior: 1953 c 219 § 5; 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]
- 35.02.110 Source—[1957 c 173 § 10. Prior: 1890 p 131 § 2, part; 1888 p 221 §§ 1, 2, part; 1877 p 173 §§ 1, 2, part; 1871 p 51 § 1, part; RRS § 8884, part.]
- 35.02.120 Source—[1953 c 219 § 6; 1890 p 133 § 3, part; RRS § 8885, part.]
- 35.02.130 Source—[1953 c 219 § 7; 1890 p 133 § 3, part; RRS § 8885, part.]  
Election dates revised to conform with the 1963 amendments to chapter 29.13 setting general municipal elections in November of odd-numbered years.  
Proviso stated in general language in lieu of "to be held on the second Tuesday of March of the first even-numbered year following the incorporation election: Provided, however, Should the incorporation election be held on or after January 1st and before the second Tuesday of March of any even-numbered year, the first general municipal election shall not be held until the subsequent even-numbered year."  
Revision required by change of dates accomplished by 1963 c 200 and herein stated in general terms so as not to be affected by possible future changes as to date of general municipal election. According to the perpetual calendar the longest period (January 1st to the second Tuesday of March) is seventy-four days.
- 35.02.140 Source—[1957 c 180 § 1.]
- 35.02.150 Source—[1961 c 200 § 1.]

#### Chapter 35.03 Incorporation of First Class Cities

- 35.03.010 Source—[1951 c 153 § 1.]
- 35.03.020 Source—[1951 c 153 § 2, part.]
- 35.03.030 Source—[1951 c 153 § 2, part.]  
". . . said election to be conducted in the manner required for the calling of a special election in class A and first class counties . . ." to  
". . . said election to be conducted as provided in chapter 29.13 RCW as now or hereafter amended . . ."
- 35.03.040 Source—[1951 c 153 § 3.]
- 35.03.050 Source—[1951 c 153 § 4.]

Explanatory  
note.

## Chapter 35.04 Incorporation of Intercounty Areas

- 35.04.010 Source—[1955 c 345 § 1.]  
 35.04.020 Source—[1963 c 57 § 3; 1955 c 345 § 2.]  
 35.04.030 Source—[1955 c 345 § 3.]  
 35.04.040 Source—[1955 c 345 § 4.]  
 35.04.050 Source—[1955 c 345 § 5.]  
 35.04.060 Source—[1963 c 57 § 4; 1955 c 345 § 6.]  
 35.04.070 Source—[1955 c 345 § 7.]  
 35.04.080 Source—[1955 c 345 § 8.]  
 35.04.090 Source—[1955 c 345 § 9.]  
 35.04.100 Source—[1955 c 345 § 10.]  
 35.04.110 Source—[1955 c 345 § 11.]  
 35.04.120 Source—[1955 c 345 § 12.]  
 35.04.130 Source—[1955 c 345 § 13.]  
 Same revision as in 35.02.150.  
 35.04.140 Source—[1955 c 345 § 14.]  
 "RCW 29.13.020 or 29.13.030, as the case may be" to "chapter 29.13 RCW" to include sections added by 1963 c 200.  
 35.04.150 Source—[1955 c 345 § 15.]  
 35.04.160 Source—[1955 c 345 § 16.]  
 35.04.170 Source—[1955 c 345 § 17.]  
 35.04.180 Source—[1955 c 345 § 18.]  
 35.04.900 Source—[1955 c 345 § 19.]

## Chapter 35.05 Reincorporation

This chapter is herein decodified, but not repealed, as it is currently of limited applicability there being only two cities presently operating under territorial charter.

- 35.05.010 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]  
 35.05.020 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]  
 35.05.030 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]  
 35.05.040 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]  
 35.05.050 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]  
 35.05.060 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]  
 35.05.070 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]  
 35.05.080 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]  
 35.05.090 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]  
 35.05.100 Source—[1909 c 185 § 1, part; 1890 p 133 § 4, part; RRS § 8886, part.]  
 35.05.110 Source—[1890 p 135 § 5; RRS § 8887.]  
 35.05.120 Source—[1890 p 136 § 8; RRS § 8891.]

## Chapter 35.06 Advancement of Classification

- 35.06.010 Source—[1955 c 319 § 6. Prior: (i) 1907 c 248 § 1, part; 1890 p 140 § 12, part; RRS § 8933, part. (ii) 1890 p 141 § 14; RRS § 8936.]  
 35.06.020 Source—[1955 c 319 § 7. Prior: 1907 c 248 § 1, part; 1890 p 140 § 12, part; RRS § 8933, part.]  
 The reference to RCW 35.05.020 is deleted in view of the decodification of chapter 35.05, and the pertinent part of 35.05.020 is repeated herein.

- 35.06.030 Source—[1899 p 60 § 1; 1890 p 141 § 16; RRS § 8937.] Explanatory  
 (1) "by the mayor" deleted as RCW 29.13.020 and 29.13.030 note.  
 require the request to the county auditor to call a special  
 election shall be made by resolution.  
 (2) "for advancement' or the words 'against advancement.'" "as the ballot would contain both."  
 35.06.040 Source—[1890 p 142 § 17; RRS § 8938.]  
 "clerks and judges" to "canvassing authority"  
 35.06.050 Source—[1890 p 142 § 19; RRS § 8940.]  
 35.06.060 Source—[1890 p 142 § 20; RRS § 8941.]  
 35.06.070 Source—[1890 p 142 § 21; RRS § 8942.]  
 35.06.080 Source—[1890 p 143 § 22; RRS § 8942.]

## Chapter 35.07 Disincorporation

- 35.07.010 Source—[1897 c 69 § 1; RRS § 8914.]  
 35.07.020 Source—[1897 c 69 § 2, part; RRS § 8915, part.]  
 35.07.030 Source—[1897 c 69 § 16; RRS § 8929.]  
 35.07.040 Source—[1897 c 69 § 2, part; RRS § 8915, part.]  
 "Shall call an election upon the proposition of disincorporation at a time not less than thirty days after the filing of the petition." to "shall cause an election to be called upon the proposition of incorporation" conforming section to RCW 29.13.020 and 29.13.030.  
 35.07.050 Source—[1897 c 69 § 3; RRS § 8916.]  
 Obsolete election notice requirements deleted and section made to conform to RCW 29.27.080.  
 35.07.060 Source—[1897 c 69 § 4; RRS § 8917.]  
 35.07.070 Source—[1897 c 69 § 5; RRS § 8918.]  
 35.07.080 Source—[1933 c 128 § 1, part; 1897 c 69 § 6, part; Rem. Supp. § 8919, part.]  
 (1) "by the election officers to the council which shall canvass the returns at a meeting held one week from the day of the election" to "by the canvassing authority to the council which shall meet within one week thereafter" to conform to Title 29 RCW.  
 (2) The last sentence of this section as it appeared in 1897 c 69 § 6 read as follows: "If a majority of the registered voters of the city or town are for dissolution the city or town shall be deemed dissolved." In *State ex rel Blankenship v. Gaines*, 136 Wash. 610, decided in 1925, it was held that the vote required was a majority of all registered voters rather than a majority of the registered voters voting at the election. In 1933, 1897 c 69 § 6 was amended by the insertion of the phrase "voting at such election" immediately after the word "town" in the last sentence. The purpose and effect of this 1933 amendment appears to be avoidance of the rule in the *Blankenship* case so that only a majority of the registered voters voting at the election would be needed to accomplish dissolution. The 1941 Code Committee codification of the pertinent part of 1897 c 69 § 6 as RCW 35.07.080 did not incorporate the language of the 1933 amendment. It is here incorporated.  
 35.07.090 Source—[1933 c 128 § 1, part; 1897 c 69 § 6, part; RRS § 8919, part.]  
 35.07.100 Source—[1897 c 69 § 18; RRS § 8931.]  
 35.07.110 Source—[1897 c 69 § 17; RRS § 8930.]  
 "and shall remain public highways until closed in pursuance of law;" also "of the county embracing such city or town" restored.  
 35.07.120 Source—[1897 c 69 § 7; RRS § 8920.]  
 35.07.130 Source—[1897 c 69 § 8; RRS § 8921.]  
 35.07.140 Source—[1897 c 69 § 15; RRS § 8928.]

**Explanatory  
note.**

- 35.07.150 Source—[1897 c 69 § 9; RRS § 8922.]  
Subsections (3) and (4) of 1897 c 69 § 9 condensed by the 1941 Code Committee as subsection (3) of RCW 35.07.150, herein restored.
- 35.07.160 Source—[1897 c 69 § 12; RRS § 8925.]
- 35.07.170 Source—[1897 c 69 § 10, part; RRS § 8923, part.]
- 35.07.180 Source—[1897 c 69 § 10, part; RRS § 8923, part.]
- 35.07.190 Source—[1897 c 69 § 11; RRS § 8924.]
- 35.07.200 Source—[1897 c 69 § 13, part; RRS § 8926, part.]
- 35.07.210 Source—[1897 c 69 § 13, part; RRS § 8926, part.]
- 35.07.220 Source—[1897 c 69 § 14; RRS § 8927.]
- 35.07.230 Source—[1925 ex. s. c 76 § 1; RRS § 8931-1.]
- 35.07.240 Source—[1925 ex. s. c 76 § 2; RRS § 8931-2.]
- 35.07.250 Source—[1925 ex. s. c 76 § 3, part; RRS § 8931-3, part.]
- 35.07.260 Source—[1925 ex. s. c 76 § 3, part; RRS § 8931-3, part.]

**Chapter 35.10 Consolidation Including Annexation of Third Class City  
or Town to First Class City****General Comment**

(1) This chapter and chapter 35.11—Annexation of Third Class City or Town to First Class City—were almost wholly derived from 1929 c 64 being “An Act relating to the consolidation of municipal corporations and repealing certain acts relating thereto”. In structure, the act provides basically for consolidation of contiguous corporations and covers in a series of provisos a special procedure for the annexation of towns and third class cities to first class cities. The 1941 Code Committee codified the basic provisions as chapter 35.10 but severed the provisos and set them up as straight matter as chapter 35.11. In view of the resulting distortion the 1929 session law is herein rejoined, restored, and recodified in chapter 35.10 (commencing with 35.10.200) and that chapter 35.11 is deleted.

(2) Herein this chapter is slightly revised to conform it to the procedures of the elections code, Title 29 RCW whereby special elections are called by the county auditor and canvassed by the county canvassing board. As to the forms of government dealt with herein, only the councilmanic and commission forms were in existence when the consolidation law was enacted (1929). The chapter is herein revised to take cognizance of the council-manager form authorized in 1943.

(3) Two sections derive from another act, 1897 c 84 being “An Act relating to the taxes and funds of municipal corporations having less than twenty thousand inhabitants”. These sections, RCW 35.11.090 and 35.10.140 are herein recodified as part of chapter 35.37—Fiscal—Cities Other Than First Class—Bonds, wherein the remainder of the 1897 act is codified.

- 35.10.010 Source—[(i) 1929 c 64 § 1; RRS § 8909-1; herein restored as 35.10.200. (ii) 1929 c 64 § 2, part; RRS § 8909-2, part; herein restored in 35.10.210.]
- 35.10.020 Source—[(i) 1929 c 64 § 2, part; RRS § 8909-2, part; herein restored in 35.10.210. (ii) 1929 c 64 § 3, part; RRS § 8909-3, part; herein restored in 35.10.220.]
- 35.10.030 Source—[1929 c 64 § 2, part; RRS § 8909-2, part; herein restored in 35.10.210.]
- 35.10.040 Source—[1929 c 64 § 3, part; RRS § 8909-3, part; herein restored in 35.10.220.]
- 35.10.050 Source—[1929 c 64 § 4, part; RRS § 8909-4, part; herein restored in 35.10.230.]
- 35.10.060 Source—[1929 c 64 § 4, part; RRS § 8909-4, part; herein restored in 35.10.230.]
- 35.10.070 Source—[1929 c 64 § 5; RRS § 8909-5; herein restored as 35.10.240.]
- 35.10.080 Source—[1929 c 64 § 6; RRS § 8909-6; herein restored as 35.10.250.]

- 35.10.090 Source—[1929 c 64 § 7; RRS § 8909-7; herein restored as 35.10.260.] Explanatory note.
- 35.10.100 Source—[1929 c 64 § 11, part; RRS § 8909-11, part; herein restored in 35.10.300.]
- 35.10.110 Source—[1929 c 64 § 12, part; RRS § 8909-12, part; herein restored in 35.10.310.]
- 35.10.120 Source—[1929 c 64 § 13, part; RRS § 8909-13, part; herein restored in 35.10.320.]
- 35.10.130 Source—[(i) 1929 c 64 § 12, part; RRS § 8909-12, part; herein restored in 35.10.310. (ii) 1929 c 64 § 14, part; RRS § 8909-14, part; herein restored in RCW 35.10.330.]
- 35.10.140 Source—[1897 c 84 § 12; RRS § 5646; herein restored as 35.37.027, see general comment above.]
- 35.10.150 Source—[Reviser's cross-reference section.]  
This cross-reference section referring to 35.11.140 will be revised to refer to 35.37.025.
- 35.10.200 Source—[1929 c 64 § 1; RRS § 8909-1. Formerly RCW 35.10.010, part.]
- 35.10.210 Source—[1929 c 64 § 2; RRS § 8909-2. Formerly RCW 35.10.010, part, 35.10.020, part, 35.11.010, and 35.11.020, part.]  
Revised in accordance with para. (2) of General Comment, above.
- 35.10.220 Source—[1929 c 64 § 3; RRS § 8909-3. Formerly RCW 35.10.020, part, and 35.10.040.]
- 35.10.230 Source—[1929 c 64 § 4; RRS § 8909-4. Formerly RCW 35.10.050, 35.10.060, and 35.11.020, part.]  
(1) Revised in accordance with para. (2) of General Comment, above.  
(2) Inasmuch as the proposition is one which may affect property rights, the session law requirements as to notice of election are retained in view of AGO 59-60 No. 103 and language is added to clarify that the general notice of election prescribed by chapter 29.27 RCW is also required.
- 35.10.240 Source—[1929 c 64 § 5; RRS § 8909-5. Formerly RCW 35.10.070.]  
Revised in accordance with para. (2) of General Comment, above.
- 35.10.250 Source—[1929 c 64 § 6; RRS § 8909-6. Formerly RCW 35.10.080.]  
Revised in accordance with para. (2) of General Comment, above.
- 35.10.260 Source—[1929 c 64 § 7; RRS § 8909-7. Formerly RCW 35.10.090.]
- 35.10.270 Source—[1929 c 64 § 8; RRS § 8909-8. Formerly RCW 35.11.030 and 35.11.040.]  
Revised in accordance with para. (2) of General Comment, above.
- 35.10.280 Source—[1929 c 64 § 9; RRS § 8909-9. Formerly RCW 35.11.050.]
- 35.10.290 Source—[1929 c 64 § 10; RRS § 8909-10. Formerly RCW 35.11.060 and 35.11.070.]  
Revised in accordance with para. (2) of General Comment, above.
- 35.10.300 Source—[1929 c 64 § 11; RRS § 8909-11. Formerly RCW 35.10.100 and 35.11.080, part.]
- 35.10.310 Source—[1929 c 64 § 12; RRS § 8909-12. Formerly RCW 35.10.110, 35.10.130, part, and 35.11.080, part.]
- 35.10.320 Source—[1929 c 64 § 13; RRS § 8909-13. Formerly RCW 35.10.120 and 35.11.080, part.]
- 35.10.330 Source—[1929 c 64 § 14; RRS § 8909-14. Formerly RCW 35.10.130, part, and 35.11.080, part.]

Chapter 35.11 Annexation of Third Class Town or City  
to First Class City

General Comment, see notes to chapter 35.10.

- 35.11.010 Source—[1929 c 64 § 2, part; RRS § 8909-2, part; herein restored in 35.10.210.]



Explanatory note.

- 35.11.020 Source—[(i) 1929 c 64 § 2, part; RRS § 8909-2, part; herein restored in 35.10.210. (ii) 1929 c 64 § 4, part; RRS § 8909-4, part; herein restored in 35.10.230.]
- 35.11.030 Source—[1929 c 64 § 8, part; RRS § 8909-8, part; herein restored in 35.10.270.]
- 35.11.040 Source—[1929 c 64 § 8, part; RRS § 8909-8, part; herein restored in 35.10.270.]
- 35.11.050 Source—[1929 c 64 § 9; RRS § 8909-9; herein restored as 35.10.280.]
- 35.11.060 Source—[1929 c 64 § 10, part; RRS § 8909-10, part; herein restored in 35.10.290.]
- 35.11.070 Source—[1929 c 64 § 10, part; RRS § 8909-10, part; herein restored in 35.10.290.]
- 35.11.080 Source—[(i) 1929 c 64 § 11, part; RRS § 8909-11, part; herein restored in 35.10.300; (ii) 1929 c 64 § 12, part; RRS § 8909-12, part; herein restored in 35.10.310. (iii) 1929 c 64 § 13, part; RRS § 8909-13, part; herein restored in 35.10.320. (iv) 1929 c 64 § 14, part; RRS § 8909-14, part; herein restored in 35.10.330.]
- 35.11.090 Source—[1897 c 84 § 11; RRS § 5645; herein restored as 35.37.025, see general comment for chapter 35.10.]
- 35.11.100 [Reviser's cross-reference section.]  
To be recodified as 35.10.340.

Chapter 35.12 Annexation of All or Part of Another City or Suburb

- 35.12.010 Source—[1890 p 136 § 9, part; RRS § 8894, part. Cf. 1890 p 227 §§ 1-14.]  
(1) Revised to harmonize with the elections code, Title 29 RCW.  
(2) Inasmuch as the proposition is one which may affect property rights, the session law requirements as to notice of election are retained in view of AGO 59-60 No. 103 and language is added to clarify that the general notice of election prescribed by chapter 29.27 RCW is also required.  
(3) Proviso restored in view of *State ex rel Mercer Island* 58 Wn 2d 141.
- 35.12.020 Source—[1890 p 136 § 9, part; RRS § 8894, part; herein restored in 35.12.010.]
- 35.12.030 Source—[1890 p 136 § 9, part; RRS § 8894, part; herein restored in 35.12.010.]
- 35.12.040 Source—[1890 p 136 § 9, part; RRS § 8894, part; herein restored in 35.12.010.]
- 35.12.050 [Reviser's cross-reference section.]  
Revised to reflect new position of 35.11.090 as 35.37.025.
- 35.12.060 [Reviser's cross-reference section.]

Chapter 35.13 Annexation of Unincorporated Areas

- 35.13.010 Source—[1959 c 311 § 1. Prior: (i) 1937 c 110 § 1; 1907 c 245 § 1; RRS § 8896. (ii) 1945 c 128 § 1. Rem. Supp. 1945 § 8909-10.]
- 35.13.015 Source—[1961 c 282 § 1.]
- 35.13.020 Source—[1961 c 282 § 7. Prior: 1951 c 248 § 6; 1907 c 245 § 2, part; RRS § 8897, part.]
- 35.13.030 Source—[1961 c 282 § 8. Prior: 1907 c 245 § 2, part; RRS § 8897, part.]
- 35.13.040 Source—[1961 c 282 § 9. Prior: 1907 c 245 § 2, part; RRS § 8897, part.]
- 35.13.050 Source—[1961 c 282 § 10. Prior: 1907 c 245 § 2, part; RRS § 8897, part.]
- 35.13.060 Source—[1961 c 282 § 12. Prior: 1907 c 245 § 3, part; RRS § 8898, part.]
- 35.13.070 Source—[1961 c 282 § 15. Prior: 1907 c 245 § 4, part; RRS § 8899, part.]

- 35.13.080 Source—[1961 c 282 § 13. Prior: 1907 c 245 § 3, part; RRS § 8898, part.] Explanatory note.  
Inasmuch as the proposition is one which may affect property rights, the session law requirements as to notice of election are retained in view of AGO 59-60 No. 103 and language is added to clarify that the general notice of election prescribed by chapter 29.27 RCW is also required.
- 35.13.090 Source—[1961 c 282 § 16. Prior: 1907 c 245 § 4, part; RRS § 8899, part.]  
1st para. revised to harmonize with RCW 29.13.040 whereby the county canvassing board is charged with the duty to canvass all elections.
- 35.13.100 Source—[1961 c 282 § 17; 1957 c 239 § 2. Prior: 1907 c 245 § 5, part; RRS § 8900, part.]
- 35.13.110 Source—[1957 c 239 § 3. Prior: 1907 c 245 § 5, part; RRS § 8900, part.]  
"The effective date of this act" to "June 12, 1957".
- 35.13.120 Source—[1937 c 110 § 2; 1907 c 245 § 6; RRS § 8901.]
- 35.13.125 Source—[1961 c 282 § 18.]
- 35.13.130 Source—[1961 c 282 § 19; 1945 c 128 § 3. Rem. Supp. 1945 § 8908-12.]
- 35.13.140 Source—[1945 c 128 § 2; Rem. Supp. 1945 § 8908-11.]  
[SLC-RO-8.]
- 35.13.150 Source—[1957 c 239 § 5. Prior: 1945 c 128 § 4, part; Rem. Supp. 1945 § 8908-13, part.]
- 35.13.160 Source—[1961 c 282 § 20; 1957 c 239 § 6. Prior: (i) 1945 c 128 § 4, part; Rem. Supp. 1945 § 8908-13, part. (ii) 1945 c 128 § 5; Rem. Supp. 1945 § 8908-14.]
- 35.13.170 Source—[1945 c 128 § 6; Rem. Supp. 1945 § 8908-15.]
- 35.13.171 Source—[1961 c 282 § 2.]  
Section 2 of the 1961 session law contains an erroneous cross-reference to the provisions of section 17 of the same session law. The section referred to has no application. The cross-reference should instead have been to section 19 (RCW 35.13.130). It is herein corrected.
- 35.13.172 Source—[1961 c 282 § 3.]
- 35.13.173 Source—[1961 c 282 § 4.]
- 35.13.174 Source—[1961 c 282 § 5.]
- 35.13.175 Source—[1961 c 200 § 2.]
- 35.13.180 Source—[1907 c 228 § 4; RRS § 9202.]
- 35.13.185 Source—[1957 c 239 § 7.]
- 35.13.190 Source—[1915 c 13 § 1, part; RRS § 8906, part.]
- 35.13.200 Source—[(i) 1915 c 13 § 1, part; RRS § 8906, part; (ii) 1915 c 13 § 2, part; RRS § 8907, part.]
- 35.13.210 Source—[1915 c 13 § 2, part; RRS § 8907, part.]
- 35.13.220 Source—[1961 c 282 § 21; 1957 c 119 § 1; 1951 c 248 § 1.]
- 35.13.230 Source—[1951 c 248 § 2.]  
Repealed by 1961 c 282 § 25.
- 35.13.240 Source—[1951 c 248 § 3.]  
Repealed by 1961 c 282 § 25.
- 35.13.243 Source—[1963 c 231 § 1; 1961 c 282 § 22.]
- 35.13.246 Source—[1963 c 231 § 2; 1961 c 282 § 23.]
- 35.13.247 Source—[1963 c 231 § 3.]
- 35.13.248 Source—[1963 c 231 § 4.]
- 35.13.249 Source—[1963 c 231 § 5.]
- 35.13.250 Source—[1961 c 282 § 24; 1951 2nd ex. s. c 27 § 1; 1951 c 248 § 4.]
- 35.13.260 Source—[1961 c 51 § 1; 1957 c 175 § 14. Prior: 1951 c 248 § 5, part.]
- 35.13.270 Source—[1957 c 175 § 15. Prior: 1951 c 248 § 5, part.]

Explanatory  
note.

- 35.13.280 Source—[1957 c 282 § 1.]  
“the provisions of chapters 35.11 through 35.13” to “those provisions of chapter 35.10 which relate to the annexation of a third class city or town to a first class city or pursuant to the provisions of chapters 35.12 or 35.13” to harmonize this cross-reference with the restoration herein of 1929 c 64 whereby chapter 35.10—Consolidation and chapter 35.11—Annexation of Third Class City or Town to First Class City have been rejoined as chapter 35.10. See notes at chapter 35.10.  
In the proviso, “chapter 35.11 through 35.13” to “the laws above mentioned” for the same reason.

#### Chapter 35.16 Reduction of City Limits

- 35.16.010 Source—[(i) 1895 c 93 § 1, part; RRS § 8902, part. (ii) 1895 c 93 § 4, part; RRS § 8905, part.]  
“submit” to “cause to be submitted” as the county auditor now calls all special elections, see RCW 29.13.020 and 29.13.030. Last sentence added to supply session law requirement omitted by 1941 Code Committee.
- 35.16.020 Source—[1895 c 92 § 1, part; RRS § 8902, part.]  
Inasmuch as the proposition is one which may affect property rights, the session law requirements as to notice of election are retained in view of AGO 59-60 No. 103 and language is added to clarify that the general notice of election prescribed by chapter 29.27 RCW is also required.
- 35.16.030 Source—[1895 c 93 § 1, part; RRS § 8902, part.]  
“city or town council” to “canvassing authority” as all elections are now canvassed by the county canvassing board, see RCW 29.13.040.
- 35.16.040 Source—[1895 c 93 § 2; RRS § 8903.]
- 35.16.050 Source—[1895 c 93 § 3; RRS § 8904.]
- 35.16.060 Source—[1895 c 93 § 4, part; RRS § 8905, part.]

#### Chapter 35.17 Commission Form of Government

- 35.17.010 Source—[(i) 1911 c 116 § 11, part; RRS § 9100, part. (ii) 1943 c 25 § 3, part; 1911 c 116 § 12, part; Rem. Supp. 1943 § 9101, part.]
- 35.17.020 Source—[1963 c 200 § 12; 1959 c 86 § 2; 1955 c 55 § 9. Prior: (i) 1911 c 116 § 5; RRS § 9094. (ii) 1943 c 25 § 1; part; 1911 c 116 § 3, part; Rem. Supp. 1943 § 9092, part.]
- 35.17.030 Source—[(i) 1911 c 116 § 11, part; RRS § 9100, part. (ii) 1911 c 116 § 4, part; RRS § 9093, part.]
- 35.17.035 [Reviser's cross-reference section.]
- 35.17.040 Source—[1955 c 309 § 3. Prior: 1943 c 25 § 4, part; 1911 c 116 § 14, part; Rem. Supp. 1943 § 9103, part.]  
See comment under 35.17.110.
- 35.17.050 Source—[1911 c 116 § 15, part; RRS § 9104, part.]
- 35.17.060 Source—[1911 c 116 § 15, part; RRS § 9104, part.]
- 35.17.070 Source—[1911 c 116 § 15, part; RRS § 9104, part.]
- 35.17.080 Source—[1943 c 25 § 3, part; 1911 c 116 § 12, part; Rem. Supp. 1943 § 9101, part.]
- 35.17.090 Source—[1911 c 116 § 11, part; RRS § 9100, part.]
- 35.17.100 Source—[1911 c 116 § 6; RRS § 9095.]
- 35.17.105 New section. See comment under 35.23.100.
- 35.17.110 Source—[1955 c 309 § 2. Prior: 1951 c 46 § 1; 1943 c 25 § 4, part; 1911 c 116 § 14, part; Rem. Supp. 1943 § 9103, part.]  
In the 3rd para. “except as otherwise provided in RCW 35.17-.115” added to harmonize this section with RCW 35.17.115.
- 35.17.115 Source—[1951 c 47 § 1.]
- 35.17.120 Source—[1943 c 25 § 4, part; 1911 c 116 § 14, part; Rem. Supp. 1943 § 9103, part.]

- 35.17.130 Source—[1911 c 116 § 13; RRS § 9102.]  
Session law language restored. Explanatory note.
- 35.17.140 Source—[1911 c 116 § 17, part; RRS § 9106, part.]  
Repealed by 1961 c 268 §§ 9, 10.
- 35.17.150 Source—[1961 c 268 § 11. Prior: 1911 c 116 § 17, part; RRS § 9106, part.]
- 35.17.160 Source—[1961 c 268 § 12. Prior: 1911 c 116 § 17, part; RRS § 9106, part.]
- 35.17.170 Source—[1911 c 116 § 18; RRS § 9107.]
- 35.17.180 Source—[1911 c 116 § 10, part; RRS § 9099, part.]
- 35.17.190 Source—[1911 c 116 § 10, part; RRS § 9099, part.]
- 35.17.200 Source—[1911 c 116 § 16, part; RRS § 9105, part.]
- 35.17.210 Source—[1911 c 116 § 16, part; RRS § 9105, part.]
- 35.17.220 Source—[1911 c 116 § 16, part; RRS § 9105, part.]
- 35.17.230 Source—[(i) 1911 c 116 § 22, part; RRS § 9111, part. (ii) 1911 c 116 § 21, part; RRS § 9110, part.]
- 35.17.240 Source—[1911 c 116 § 22, part; RRS § 9111, part.]
- 35.17.250 Source—[1911 c 116 § 22, part; RRS § 9111, part.]
- 35.17.260 Source—[1911 c 116 § 21, part; RRS § 9110, part.]  
In subd. (2) "called" to "cause to be called" as under chapter 29.13 RCW the county auditor now calls special elections.
- 35.17.270 Source—[(i) 1911 c 116 § 21, part; RRS § 9110, part. (ii) 1911 c 116 § 20, part; RRS § 9109, part. (iii) 1911 c 116 § 24; RRS § 9113.]
- 35.17.280 Source—[(i) 1911 c 116 § 20, part; RRS § 9109, part. (ii) 1911 c 116 § 21, part; RRS § 9110, part.]
- 35.17.290 Source—[(i) 1911 c 116 § 20, part; RRS § 9109, part. (ii) 1911 c 116 § 21, part; RRS § 9110, part.]
- 35.17.300 Source—[(i) 1911 c 116 § 20, part; RRS § 9109, part. (ii) 1911 c 116 § 21, part; RRS § 9110, part.]
- 35.17.310 Source—[1911 c 116 § 21, part; RRS § 9110, part.]  
Language added to clarify that the usual notice of election is also required.
- 35.17.320 Source—[1911 c 116 § 21, part; RRS § 9110, part.]
- 35.17.330 Source—[1911 c 116 § 21, part; RRS § 9110, part.]
- 35.17.340 Source—[1911 c 116 § 21, part; RRS § 9110, part.]
- 35.17.350 Source—[1911 c 116 § 21, part; RRS § 9110, part.]
- 35.17.360 Source—[1911 c 116 § 21, part; RRS § 9110, part.]
- 35.17.370 Source—[1927 c 210 § 1; 1911 c 116 § 1, RRS § 9090.]
- 35.17.380 Source—[1911 c 116 § 2, part; RRS § 9091, part.]  
"submit" to "cause to be submitted" as under chapter 29.13 RCW the county auditor now calls special elections.
- 35.17.390 Source—[1911 c 116 § 2, part; RRS § 9091, part.]
- 35.17.400 Source—[1963 c 200 § 13; 1955 c 55 § 10. Prior: 1943 c 25 § 1, part; 1911 c 116 § 3, part; Rem. Supp. 1943 § 9092, part.]
- 35.17.410 Source—[1911 c 116 § 4, part; RRS § 9093, part.]
- 35.17.420 Source—[1911 c 116 § 19; RRS § 9108.]
- 35.17.430 Source—[1911 c 116 § 23, part; RRS § 9112, part.]  
(1) "for six years" to "for more than six years" restoring session law language.  
(2) The RCW phrase ". . . in which its population places it" appears in the session law as ". . . and accept the provisions of the general law of the state of Washington applicable to cities of its population".

Both versions have been rendered somewhat ambiguous by the 1955 amendment of chapter 35.01 which prescribes the population requirements for the various classes of cities and towns. Prior to such amendment, the population schedule prescribed both minimums and maximums, as follows:

Explanatory  
note.

RCW 35.01.010	1st class.	More than 20,000.
35.01.020	2nd class.	More than 10,000 and not more than 20,000.
35.01.030	3rd class.	More than 1,500 and not more than 10,000.
35.04.040	Towns	Not less than 300 nor more than 1,500 at time of organization.

Since the 1955 amendments only minimums are prescribed, as follows:

RCW 35.01.010	1st class.	At least 20,000.
35.01.020	2nd class.	At least 10,000.
35.01.030	3rd class.	At least 15,000.
35.01.040	Towns	No change.

Whereas under the pre-1955 version, the reclassification of the disorganizing municipality was certain, it is no longer so. By a literal reading of the instant section in either its current RCW form or as it appears in the session law, together with the presently worded classification sections, a city with 25,000 inhabitants could choose to reorganize as either a first, second, or third class city.

The ambiguity is cured by revising the last portion to read ". . . of the highest class for which its population qualifies it." This would seem to preserve the original intent of 35.17.430.

35.17.440	Source—[1911 c 116 § 23, part; RRS § 9112, part.]
35.17.450	Source—[1911 c 116 § 23, part; RRS § 9112, part.]
35.17.460	Source—[1911 c 116 § 23, part; RRS § 9112, part.]

#### Chapter 35.18 Council-Manager Plan

35.18.010	Source—[1955 c 337 § 2. Prior: (i) 1943 c 271 § 8, part; Rem. Supp. 1943 § 9198-17, part. (ii) 1943 c 271 § 12, part; Rem. Supp. 1943 § 9198-21, part. (iii) 1949 c 84 § 2, part; 1943 c 271 § 17, part; Rem. Supp. 1949 § 9198-26, part.]
35.18.020	Source—[1959 c 76 § 1; 1955 c 337 § 3. Prior: (i) 1943 c 271 § 6; Rem. Supp. 1943 § 9198-15. (ii) 1943 c 271 § 4, part; Rem. Supp. 1943 § 9198-13, part.]
35.18.030	Source—[(i) 1949 c 84 § 4; Rem. Supp. 1949 § 9198-33. (ii) 1943 c 271 § 10, part; Rem. Supp. 1943 § 9198-19, part. (iii) 1943 c 271 § 21; Rem. Supp. 1943 § 9198-30.]
35.18.035	Reviser's cross-reference section.
35.18.040	Source—[1955 c 337 § 4. Prior: (i) 1949 c 84 § 2, part; 1943 c 271 § 17, part; Rem. Supp. 1949 § 9198-26, part. (ii) 1943 c 271 § 12, part; Rem. Supp. 1943 § 9198-21, part.]
35.18.050	Source—[1955 c 337 § 5. Prior: 1943 c 271 § 12, part; Rem. Supp. 1943 § 9198-21, part.]
35.18.060	Source—[1955 c 337 § 6. Prior: (i) 1949 c 84 § 2, part; 1943 c 271 § 17, part; Rem. Supp. 1949 § 9198-26, part. (ii) 1949 c 84 § 1; 1943 c 271 § 15; Rem. Supp. 1949 § 9198-24. (iii) 1949 c 84 § 3, part; 1943 c 271 § 18, part; Rem. Supp. 1949 § 9198-27 part.]
35.18.070	Source—[1943 c 271 § 13; Rem. Supp. 1943 § 9198-22.]
35.18.080	Source—[1943 c 271 § 16; Rem. Supp. 1943 § 9198-25.]
35.18.090	Source—[1955 c 337 § 7. Prior: (i) 1949 c 84 § 2, part; 1943 c 271 § 17, part; Rem. Supp. 1949 § 9198-26, part. (ii) 1949 c 84 § 3, part; 1943 c 271 § 18, part; Rem. Supp. 1949 § 9198-27, part.]
35.18.100	Source—[1955 c 337 § 8. Prior: 1949 c 84 § 2, part; 1943 c 271 § 17, part; Rem. Supp. 1949 § 9198-26, part.]
35.18.110	Source—[1955 c 337 § 14. Prior: 1943 c 271 § 19, part; Rem. Supp. 1943 § 9198-28, part.]
35.18.120	Source—[1955 c 337 § 17. Prior: 1943 c 271 § 14, part; Rem. Supp. 1943 § 9198-23, part.]
35.18.130	Source—[1955 c 337 § 18. Prior: 1943 c 271 § 14, part; Rem. Supp. 1943 § 9198-23, part.]

- 35.18.140 Source—[1955 c 337 § 19. Prior: 1943 c 271 § 14, part; Rem. Supp. 1943 § 9198-23, part.] Explanatory note.
- 35.18.150 Source—[1955 c 337 § 15. Prior: (i) 1943 c 271 § 19, part; Rem. Supp. 1943 § 9198-23, part. (ii) 1943 c 271 § 9, part; Rem. Supp. 1943 § 9198-18, part.]
- 35.18.160 Source—[(i) 1943 c 271 § 9, part; Rem. Supp. 1943 § 9198-18, part. (ii) 1943 c 271 § 10, part; Rem. Supp. 1943 § 9198-19, part.]
- 35.18.170 Source—[1955 c 337 § 20. Prior: 1943 c 271 § 7; Rem. Supp. 1943 § 9198-16.]
- 35.18.180 Source—[1959 c 76 § 3; 1943 c 271 § 11; Rem. Supp. 1943 § 9198-20.]
- 35.18.190 Source—[1955 c 337 § 9. Prior: 1943 c 271 § 8, part; Rem. Supp. 1943 § 9198-17, part.]
- 35.18.200 Source—[1955 c 337 § 10. Prior: 1943 c 271 § 8, part; Rem. Supp. 1943 § 9198-17, part.]
- 35.18.210 Source—[1955 c 337 § 11. Prior: 1943 c 271 § 8, part; Rem. Supp. 1943 § 9198-17, part.]
- 35.18.220 Source—[(i) 1943 c 271 § 9, part; Rem. Supp. 1943 § 9198-18, part. (ii) 1943 c 271 § 20; Rem. Supp. 1943 § 9198-29.]
- 35.18.230 Source—[1959 c 76 § 2; 1943 c 271 § 1; Rem. Supp. 1943 § 9198-10.]
- 35.18.240 Source—[1955 c 337 § 22. Prior: (i) 1943 c 271 § 2, part; Rem. Supp. 1943 § 9198-11, part. (ii) 1943 c 271 § 5; Rem. Supp. 1943 § 9198-14.]
- 35.18.250 Source—[1959 c 76 § 4; 1955 c 337 § 23. Prior: 1943 c 271 § 2, part; Rem. Supp. 1943 § 9198-11, part.]  
“submit the question” to “cause the question to be submitted” as under RCW 29.13.020 and 29.13.030 the county auditor calls all special elections.
- 35.18.260 Source—[1943 c 271 § 3; Rem. Supp. 1943 § 9198-12.]
- 35.18.270 Source—[1959 c 76 § 5; 1955 c 337 § 12. Prior: (i) 1943 c 271 § 8, part; Rem. Supp. 1943 § 9198-17, part. (ii) 1943 c 271 § 4, part; Rem. Supp. 1943 § 9198-13, part.]
- 31.18.280 Source—[1943 c 271 § 8, part; Rem. Supp. 1943 § 9198-17, part.]
- 35.18.285 Source—[1955 c 337 § 24.]
- 35.18.290 Source—[1943 c 271 § 22, part; Rem. Supp. 1943 § 9198-31, part.]  
“its population” to “the highest class for which its population qualifies it”; see comment (2) to 35.17.430.
- 35.18.300 Source—[1943 c 271 § 23, part; Rem. Supp. 1943 § 9198-32, part.]
- 35.18.310 Source—[1943 c 271 § 22, part; Rem. Supp. 1943 § 9198-31, part.]  
“its population” to “. . . class”; see comment (2) to 35.17.430.
- 35.18.320 Source—[1943 c 271 § 23, part; Rem. Supp. 1943 § 9198-32, part.]  
“population” to “class”;  
see comment (2) to 35.17.430.

The present RCW section which provides “upon the adoption of the council-manager plan, the city or town officials then existing shall hold office until their successors have been elected and qualified” purports to be the 3rd sentence of 1943 c 271 § 10, but actually bears no resemblance to it and has no foundation anywhere in the council-manager act. The 3rd sentence is herein restored, preceded by the 2nd sentence which is slightly revised.

#### Chapter 35.20 Municipal Court—Cities Over Five Hundred Thousand

- 35.20.010 Source—[1955 c 290 § 1.]
- 35.20.020 Source—[1955 c 290 § 2.]
- 35.20.030 Source—[1955 c 290 § 3.]
- 35.20.040 Source—[1955 c 290 § 4.]
- 35.20.050 Source—[1955 c 290 § 5.]
- 35.20.060 Source—[1955 c 290 § 6.]
- 35.20.070 Source—[1955 c 290 § 7.]

**Explanatory  
note.**

- 35.20.080 Source—[1955 c 290 § 8.]  
“the effective date hereof” to “June 8, 1955”.
- 35.20.090 Source—[1955 c 290 § 9.]
- 35.20.100 Source—[1955 c 290 § 10.]
- 35.20.110 Source—[1955 c 290 § 11.]
- 35.20.120 Source—[1955 c 290 § 12.]
- 35.20.130 Source—[1955 c 290 § 13.]
- 35.20.140 Source—[1955 c 290 § 14.]
- 35.20.150 Source—[1961 c 213 § 1; 1955 c 290 § 15.]
- 35.20.160 Source—[1955 c 290 § 16.]
- 35.20.170 Source—[1955 c 290 § 17.]
- 35.20.180 Source—[1955 c 290 § 18.]
- 35.20.190 Source—[1955 c 290 § 19.]
- 35.20.200 Source—[1955 c 290 § 20.]
- 35.20.210 Source—[1955 c 290 § 21.]  
Effective date identified by parenthetical insertion of “June 8, 1955”.
- 35.20.220 Source—[1955 c 290 § 22.]
- 35.20.230 Source—[1955 c 290 § 23.]
- 35.20.240 Source—[1955 c 290 § 24.]  
Effective date identified by parenthetical insertion of “June 8, 1955”.
- 35.20.250 Source—[1955 c 290 § 25.]
- 35.20.260 Source—[1955 c 290 § 26.]
- 35.20.900 Source—[1955 c 290 § 27.]
- 35.20.910 Source—[1955 c 290 § 28.]
- 35.20.920 Source—[1955 c 290 § 29.]

This section contains a severability provision in the standard form relating specifically to chapter 35.20. Chapter 35.98, which is to be added by the reenactment, will contain general construction provisions, one of which will be a severability provision. RCW 35.20.920 is deleted as unnecessary, 35.98.030 operating as a continuation thereof.

**Chapter 35.21 Miscellaneous Provisions Affecting All  
Cities and Towns**

- 35.21.010 Source—[1963 c 119 § 1; 1890 p 141 § 15 part; RRS § 8935.]  
“act” to “title” as the 1890 act is the basic source of city and town laws.
- 35.21.020 Source—[1947 c 28 § 1; 1937 c 98 § 1; Rem. Supp. 1947 § 8981-4.]
- 35.21.030 Source—[1911 c 98 § 5; RRS § 9356.]
- 35.21.040 Source—[1943 c 24 § 1; Rem. Supp. 1943 § 8607-25.]  
Repealed by 1951 c 178 § 17.
- 35.21.050 Source—[1943 c 24 § 2; Rem. Supp. 1943 § 8607-26.]  
Repealed by 1951 c 178 § 17.
- 35.21.060 Source—[1943 c 24 § 3; Rem. Supp. 1943 § 8607-27.]  
Repealed by 1951 c 178 § 17.
- 35.21.070 Source—[1953 c 38 § 1; 1941 c 60 § 1; Rem. Supp. 1941 § 9213-5.]
- 35.21.080 Source—[1953 c 38 § 2; 1941 c 60 § 2; Rem. Supp. 1941 § 9213-6.]
- 35.21.085 Source—[1953 c 27 § 1.]
- 35.21.086 Source—[1953 c 27 § 2.]
- 35.21.088 Source—[1963 c 115 § 7; 1953 c 67 § 1.]
- 35.21.090 Source—[1911 c 98 § 4; 1907 c 241 § 68; RRS § 9355.]
- 35.21.100 Source—[1941 c 80 § 1; Rem. Supp. 1941 § 9213-8.]
- 35.21.110 Source—[1895 c 130 § 1; RRS § 5476.]
- 35.21.120 Source—[1943 c 270 § 1, part; Rem. Supp. 1943 § 9504-1, part.]
- 35.21.130 Source—[1943 c 270 § 1, part; Rem. Supp. 1943 § 9504-1, part.]
- 35.21.140 Source—[1943 c 270 § 1, part; Rem. Supp. 1943 § 9504-1, part.]
- 35.21.150 Source—[1943 c 270 § 1, part; Rem. Supp. 1943 § 9504-1, part.]
- 35.21.151 Cross-reference section.
- 35.21.160 Source—[1961 c 277 § 4; 1909 c 111 § 1; RRS § 8892.]

- 35.21.170 Source—[1933 ex.s. c 62 § 81, part; RRS § 7306-81, part.] Explanatory  
 “annual report” to “annual written report”. note.
- In the first paragraph of the session law, (codified as RCW 36.27.020) the prosecuting attorney in each county is required to file a “written report” of all prosecutions. In the second paragraph of the session law section, the judge of a police court in any city having such a court is required to file a “like annual report”. The Code Committee version of RCW 35.21.160 requires only that such judge shall “send an annual report”. Furthermore as this section only requires a report of violations prosecuted under the Steele Act, the phrase “brought under Title 66 RCW” is added.
- 35.21.175 Source—[1955 1st ex.s. c 9 § 4. Prior: 1951 c 100 § 2.]
- 35.21.180 Source—[1963 c 184 § 1; 1943 c 213 § 1; 1935 c 32 § 1; Rem. Supp. 1943 § 9199-1.]
- 35.21.190 Source—[1911 c 98 § 57; RRS § 9410.]
- 35.21.200 Source—[1951 c 162 § 1; 1941 c 25 § 1; formerly Rem. Supp. 1941 § 9213-3.]
- 35.21.210 Source—[1911 c 98 § 3; RRS § 9354.]
- 35.21.220 Source—[1927 c 261 § 1; RRS § 9213-1.]
- 35.21.230 Source—[1890 p 733 § 1; RRS § 9293.]  
 “or town” deleted as not appearing in the 1890 law.
- 35.21.240 Source—[1890 p 733 § 2; RRS § 9294.]
- 35.21.250 Source—[1901 c 149 § 1; RRS § 9295.]  
 “and towns” deleted as not appearing in the 1901 act.
- 35.21.260 Source—[1943 c 82 § 12; 1937 c 187 § 64; Rem. Supp. 1943 § 6450-64.]
- 35.21.270 Source—[1949 c 164 § 5; Rem. Supp. 1949 § 9300-5.]  
 “department of highways” to “highway commission”.
- 35.21.280 Source—[1957 c 126 § 1; 1951 c 35 § 1; 1943 c 80 § 1; Rem. Supp. 1943 § 8370-44a.]
- 35.21.290 Source—[1933 c 135 § 1; 1909 c 161 § 1; RRS § 9471.]
- 35.21.300 Source—[1909 c 161 § 2; RRS § 9472.]
- 35.21.310 Source—[1949 c 113 § 1; Rem. Supp. 1949 § 9213-10.]
- 35.21.320 Source—[(i) 1893 c 48 § 1, part; RRS § 4116, part. (ii) 1895 c 152 § 2, part; RRS § 4119, part. (iii) 1895 c 152 § 1, part; RRS § 4118, part.]
- 35.21.330 Source—[1917 c 103 § 1; RRS § 10204.]
- 35.21.340 Reviser's cross-reference section.
- 35.21.350 Reviser's cross-reference section.
- 35.21.360 Reviser's cross-reference section.
- 35.21.370 Reviser's cross-reference section.
- 35.21.380 Reviser's cross-reference section.
- 35.21.390 Reviser's cross-reference section.
- 35.21.400 Reviser's cross-reference section.
- 35.21.410 Reviser's cross-reference section.
- 35.21.420 Source—[1951 c 104 § 1.]
- 35.21.425 Source—[1955 c 252 § 1.]
- 35.21.426 Source—[1955 c 252 § 2.]
- 35.21.427 Source—[1955 c 252 § 3.]
- 35.21.430 Source—[1951 c 217 § 1.]
- 35.21.440 Source—[1951 c 217 § 2.]
- 35.21.450 Source—[1951 c 217 § 3.]
- 35.21.460 Source—[1953 c 63 § 1.]  
 The section is herein decodified as the authority contained herein expired on June 11, 1963.
- 35.21.500 Source—[1957 c 97 § 1.]
- 35.21.510 Source—[1957 c 97 § 2.]
- 35.21.520 Source—[1957 c 97 § 3.]  
 “this act” to “RCW 35.21.500 through 35.21.570.”  
 Section 9 of the 1957 act, which amended 35.24.240 is omitted from the translation as 35.24.240 is herein decodified.



Explanatory  
note.

- 35.21.530 Source—[1957 c 97 § 4.]  
 35.21.540 Source—[1957 c 97 § 5.]  
 35.21.550 Source—[1957 c 97 § 6.]  
 35.21.560 Source—[1961 c 70 § 1; 1957 c 97 § 7.]  
 35.21.570 Source—[1957 c 97 § 8.]  
 see note at 35.21.520.  
 35.21.580 Source—[1957 c 175 § 16.]  
 This section provides for the method of distribution of state funds to cities and towns for the year 1957 only and is, therefore, obsolete and herein decodified.  
 35.21.590 Reviser's cross-reference section.  
 35.21.600 Source—[1963 c 222 § 1.]

## Chapter 35.22 First Class Cities

- 35.22.010 Source—[1890 p 143 § 23; RRS § 8947.]  
 35.22.020 Source—[1911 c 17 § 1; RRS § 8948.]  
 35.22.030 Source—[1890 p 215 § 1; RRS § 8951.]  
 35.22.040 Source—[1890 p 216 § 2; RRS § 8952.]  
 35.22.050 Source—[1890 p 216 § 3, part; RRS § 8953, part.]  
 35.22.060 Source—[1890 p 216 § 3, part; RRS § 8953, part.]  
 35.22.070 Source—[(i) 1890 p 216 § 3, part; RRS § 8953, part. (ii) 1890 p 223 § 6, part; RRS § 8977, part.]  
 35.22.080 Source—[(i) 1890 p 216 § 3, part; RRS § 8953, part. (ii) 1890 p 223 § 6, part; RRS § 8977, part. (iii) 1890 p 217 § 4, part; RRS § 8954, part.]  
 35.22.090 Source—[1890 p 216 § 3, part; RRS § 8953, part.]  
 35.22.100 Source—[(i) 1890 p 223 § 6, part; RRS § 8977, part. (ii) 1890 p 217 § 4, part; RRS § 8954, part.]  
 35.22.110 Source—[1890 p 217 § 4, part; RRS § 8954, part.]  
 35.22.120 Source—[1949 c 233 § 1; 1903 c 186 § 1; Rem. Supp. 1949 § 8963.]  
 35.22.130 Source—[(i) 1903 c 186 § 2; RRS § 8964. (ii) 1903 c 186 § 3; RRS § 8965.]  
 35.22.140 Source—[1945 c 55 § 1, part; 1925 ex.s. c 137 § 1, part; 1895 c 27 § 1, part; Rem. Supp. 1945 § 8955, part.]  
 35.22.150 Source—[1945 c 55 § 1, part; 1925 ex.s. c 137 § 1, part; 1895 c 27 § 1, part; Rem. Supp. 1945 § 8955, part.]  
 35.22.160 Source—[1925 ex.s. c 137 § 2, part; 1895 c 27 § 2, part; RRS § 8956, part.]  
 "Immediately" appearing as the first word of the current RCW section is herein deleted as this concept was eliminated by the 1925 amendment of 1895 c 27 § 2. For construction of this section as it was prior to the 1925 amendment, see *State ex rel Lambert* 59 Wash. 670(1910).  
 See also comment for 35.22.180.  
 35.22.170 Source—[1925 ex.s. c 137 § 3; 1895 c 27 § 3; RRS § 8957.]  
 35.22.180 Source—[(i) 1895 c 27 § 4; RRS § 8958. (ii) 1895 c 27 § 5; RRS § 8959.]  
 This section purports to be a combination of RRS § 8958 relating to Notice of election and RRS § 8959 which provides:  
 "Said elections may be general or special elections and, except as herein provided, shall be governed by the law regulating and controlling general or special elections in said city."  
 RCW 35.22.180 as presently constituted omits any reference to general or special elections; such language is herein supplied. It is particularly necessary in view of the deletion from 35.22.160 of the word "immediately".  
 35.22.190 Source—[(i) 1925 ex.s. c 137 § 2, part; 1895 c 27 § 2, part; RRS § 8956, part. (ii) 1895 c 27 § 6; RRS § 8962.]  
 35.22.200 Source—[(i) 1890 p 223 § 6, part; RRS § 8977, part. (ii) 1927 c 52 § 1; 1911 c 17 § 2; RRS § 8949.]  
 Last sentence revised to harmonize with Title 29 RCW.

- 35.22.205 Source—[1957 c 113 § 1; 1955 c 354 § 1.]
- 35.22.210 Source—[1925 ex.s. c 61 § 1; RRS § 8948-1.]
- 35.22.220 Source—[1925 ex.s. c 61 § 2; RRS § 8948-2.]
- 35.22.230 Source—[(i) 1911 c 32 § 1; RRS § 8960. (ii) 1911 c 32 § 2; RRS § 8961.]  
This section decodified as obsolete in that all municipal elections are now covered by the consolidated election law (chapter 29.13).
- 35.22.240 Source—[1929 c 192 § 1; RRS § 8966-1.]
- 35.22.250 Source—[1929 c 192 § 2; RRS § 8966-2.]
- 35.22.260 Source—[1929 c 192 § 3; RRS § 8966-3.]
- 35.22.270 Source—[1957 c 123 § 1; 1929 c 192 § 4; RRS § 8966-4.]
- 35.22.280 Source—[1890 p 218 § 5; RRS § 8966.]  
Subd. (4): Since 1917 the controlling statute regarding municipal debt limit has been 1917 c 143 as amended from time to time, herein codified as chapter 39.36 RCW; see in this respect *Hansen v. Hoquiam* 95 Wash. 132, *Eldridge v. Bellingham*, 106 Wash. 96, *Shoen v. Seattle*, 117 Wash. 303, and *State ex rel School Dist. No. 102 v. Clausen*, 116 Wash. 432. In addition to the instant sections, other expressions of debt limitation appear in RCW 35.30.040, 35.30.050, 35.30.060, 35.37.040, 35.37.050, and 35.37.090. In order to harmonize the provisions of these sections with the limits prescribed by chapter 39.36 RCW, each of them is herein revised by deleting the language prescribing the limitation and substituting therefor a reference to the limits prescribed by chapter 39.36 RCW as now or hereafter amended.  
Subd. (32): Restored to session law language.
- 35.22.290 Source—[1925 ex.s. c 81 § 1; 1923 c 179 § 1; RRS § 8981-2.]
- 35.22.300 Source—[1925 c 12 § 1; RRS § 8981-3.]
- 35.22.310 Source—[1907 c 89 § 1; RRS § 8972.]
- 35.22.320 Source—[1907 c 89 § 2; RRS § 8973.]
- 35.22.330 Source—[1923 c 92 § 1; RRS § 8981-1.]
- 35.22.340 Source—[1907 c 41 § 1; RRS § 8971.]
- 35.22.350 Source—[1955 c 145 § 1; 1951 c 21 § 1; 1935 c 37 § 1; RRS § 8966-5.]
- 35.22.360 Source—[1937 c 16 § 1; RRS § 9000-22a.]
- 35.22.370 Source—[1903 c 141 § 1; RRS § 8970.]
- 35.22.380 Source—[1895 c 13 § 1; RRS § 8974.]
- 35.22.390 Source—[1895 c 13 § 2, part; RRS § 8975, part.]
- 35.22.400 Source—[(i) 1895 c 13 § 3; RRS § 8976. (ii) 1895 c 13 § 2, part; RRS § 8975, part.]
- 35.22.410 Source—[1911 c 67 § 1; RRS § 8967.]
- 35.22.420 Source—[1941 c 85 § 1; 1899 c 85 § 2; Rem. Supp. 1941 § 8992.]
- 35.22.430 Source—[1899 c 85 § 7; RRS § 8997.]
- 35.22.440 Source—[1903 c 30 § 2; 1899 c 85 § 6; RRS § 8996.]
- 35.22.450 Source—[1943 c 105 § 1; Rem. Supp. 1943 § 8996-1.]  
This section authorized the appointment by the "police judge designated as the municipal judge" of a chief clerk and assistant clerks in cities of over 300,000 population to assist such judge with his duties.  
Seattle was the only city affected by this section which was enacted in 1943. The subsequently enacted provisions of RCW 35.20.210 relating to the appointment of clerks for a municipal court in cities of over 500,000 to supersede RCW 35.22.450.  
This being the case RCW 35.22.450 is hereby decodified.
- 35.22.460 Source—[1923 c 182 § 2, part; 1903 c 30 § 1, part; 1899 c 85 § 3, part; RRS § 8993, part.]
- 35.22.470 Source—[1923 c 182 § 1; RRS § 8992-1.]
- 35.22.480 Source—[1899 c 85 § 9; RRS § 8999.]
- 35.22.490 Source—[1899 c 85 § 4; RRS 8994.]

Explanatory  
note.

Explanatory  
note.

- 35.22.500 Source—[1899 c 85 § 5; RRS § 8995.]
- 35.22.510 Source—[1899 c 85 § 8; RRS § 8998.]
- 35.22.520 Source—[1953 c 60 § 1; 1899 c 85 § 1; RRS § 9000.]
- 35.22.530 Source—[(i) 1923 c 182 § 2, part; 1903 c 30 § 1, part; 1899 c 85 § 3, part; RRS § 8993. (ii) 1937 c 79 § 1; RRS § 8993-1.]
- 35.22.540 Source—[1937 c 79 § 2; RRS § 8993-2.]
- 35.22.550 Source—[1937 c 79 § 3; RRS § 8993-3.]
- 35.22.560 Source—[1937 c 79 § 4; RRS § 8993-4.]
- 35.22.570 Source—[1890 p 224 § 7; RRS § 8981.]
- 35.22.580 Source—[1917 c 58 § 1; 1915 c 17 § 1; RRS § 8983.]  
This and the next two sections are part of 1915 c 17 which was designed primarily to prevent the diversion of funds in first class cities and was carried by Pierce & Remington in their chapters on First Class Cities. Presently codified as RCW 35.45.100 through 35.45.120 in the chapter entitled "Local Improvements—Bonds and Warrants" they are herein relocated in the First Class Cities chapter as 35.22.580 through 35.22.600. The last sentence of 35.22.580 is a repetition of the last sentence of RCW 35.45.090, which was added by the 1941 Code Committee to harmonize with the L.I.D. guarantee acts.
- 35.22.590 Source—[1915 c 17 § 2; RRS § 8984.]  
See comments at 35.22.580.
- 35.22.600 Source—[1915 c 17 § 3; RRS § 8985.]  
See comments at 35.22.580.
- 35.22.900 Source—[1890 p 224 § 8.]  
This section applied to the nine section act (1890 p 215) authorizing cities of the first class to frame their own charters and granting them both specific and omnibus powers, the session law section refers to "this act" which is herein translated to read "this chapter" and while this is not a literal translation as chapter 35.22 RCW also contains later laws it would appear that the rule of liberal construction should be made to apply to such later sections as well. The section is presently carried as a footnote to 35.22.030.
- Chapter 35.23 Second Class Cities**
- 35.23.010 Source—[1953 c 190 § 1; 1907 c 241 § 1; RRS § 9006.]
- 35.23.020 Source—[1949 c 83 § 1; 1907 c 241 § 2; RRS § 9007.]  
Session law language restored.
- 35.23.030 Source—[1907 c 241 § 9; RRS § 9014.]  
Provisions relating to appointive officials deleted in view of the later enactment, herein 35.21.200.
- 35.23.040 Source—[1963 c 200 § 14; 1959 c 86 § 3. Prior: (i) 1951 c 71 § 1; 1909 c 120 § 4; 1907 c 241 § 3; RRS § 9008. (ii) 1951 c 71 § 1; 1907 c 241 § 4; RRS § 9009.]
- 35.23.050 Source—[1907 c 241 § 5; 1890 p 145 § 27; RRS § 9010.]  
Last sentence of RCW 35.23.050 deleted as covered by the general election laws.
- 35.23.060 Source—[1907 c 241 § 6; 1890 p 145 § 28; RRS § 9011.]  
Section deleted as covered by RCW 29.13.040, and chapter 29.62 RCW.
- 35.23.070 Source—[1951 c 71 § 2; 1907 c 241 § 7; RRS § 9012.]  
"first Monday in June" to "first Monday in January" to conform to revised election dates prescribed by chapter 29.13 RCW.
- 35.23.080 Source—[(i) 1907 c 241 § 16, part; RRS § 9021, part. (ii) 1907 c 241 § 17, part; RRS § 9022, part.]
- 35.23.090 Source—[1955 c 355 § 2. Prior: 1939 c 105 § 2, part; 1907 c 241 § 20, part; RRS § 9025, part.]
- 35.23.100 Source—[1941 c 88 § 1, part; Rem. Supp. 1941 § 9025-1, part.]  
"or of any city having a commission form of government" deleted and a new section 35.17.105 added.

- 35.23.110 Source—[1907 c 241 § 19; RRS § 9024.]
- 35.23.120 Source—[1949 c 83 § 2; Rem. Supp. 1949 § 9007A.]
- 35.23.130 Source—[(i) 1907 c 241 § 24; RRS § 9029. (ii) 1907 c 241 § 25; RRS § 9030.]  
 “subject to applicable civil service laws” added in recognition of such later provisions.
- 35.23.132 Source—[1963 c 191 § 2.]
- 35.23.140 Source—[1955 c 355 § 3. Prior: 1939 c 105 § 5, part; 1907 c 241 § 26, part; RRS § 9031, part.]
- 35.23.150 Source—[1907 c 241 § 64; RRS § 9067.]
- 35.23.160 Source—[1907 c 241 § 23; RRS § 9028.]
- 35.23.170 Source—[1953 c 86 § 1; 1925 ex.s. c 121 § 1; 1907 c 228 § 2; RRS § 9200.]
- 35.23.180 Source—[1907 c 241 § 8, part; 1890 p 145 § 25; RRS § 9013, part.]
- 35.23.190 Source—[(i) 1907 c 241 § 10, part; 1890 p 145 § 29; RRS § 9015, part. (ii) 1907 c 241 § 11; 1890 p 145 § 29; RRS § 9016.]
- 35.23.200 Source—[1953 c 19 § 1; 1907 c 241 § 18; RRS § 9023.]
- 35.23.210 Source—[1907 c 241 § 62; 1890 p 146 § 30; RRS § 9065.]  
 “subject to applicable civil service laws” added in recognition of such later provisions.
- 35.23.220 Source—[1961 c 89 § 1; 1955 c 355 § 4; 1951 c 85 § 1. Prior: (i) 1939 c 105 § 1; 1907 c 241 § 12; 1890 p 146 §§ 32, 33; RRS § 9017. (ii) 1939 c 105 § 2, part; 1907 c 241 § 20, part; RRS § 9025, part. (iii) 1939 c 105 § 3; 1907 c 241 § 21; RRS § 9026. (iv) 1939 c 105 § 4; 1907 c 241 § 22; RRS § 9027. (v) 1939 c 105 § 5, part; 1907 c 241 § 26, part; RRS § 9031, part.]  
 The phrase “and any other officer where provision is made specifically that such officer shall serve without compensation” added to harmonize with such provisions as that contained in RCW 35.23.170 which prohibits the payment of compensation by cities or towns to park commissioners.
- 35.23.230 Source—[1961 c 268 § 7; 1907 c 241 § 13; 1890 p 156 § 44; RRS § 9018.]
- 35.23.240 Source—[(i) 1907 c 241 § 10, part; 1890 p 145 § 29; RRS § 9015. (ii) 1907 c 241 § 8, part; 1890 p 145 § 25; RRS § 9013, part. (iii) 1907 c 241 § 63; RRS § 9066. (iv) 1907 c 228 § 5, part; RRS § 9203.]
- 35.23.250 Source—[(i) 1907 c 241 § 17, part; RRS § 9022, part. (ii) 1907 c 241 § 27; RRS § 9032. (iii) 1907 c 241 § 28, part; 1890 p 148 § 37; RRS § 9033, part.]
- 35.23.260 Source—[(i) 1907 c 241 § 28, part; 1890 p 148 § 37; RRS § 9033, part. (ii) 1907 c 241 § 16, part; RRS § 9021, part. (iii) 1907 c 241 § 72, part; RRS § 9075, part.]
- 35.23.270 Source—[(i) 1907 c 241 § 28, part; 1890 p 148 § 37; RRS § 9033, part. (ii) 1907 c 241 § 59; 1890 p 159 § 49; RRS § 9062.]
- 35.23.280 Source—[(i) 1907 c 241 § 28, part; 1890 p 148 § 37; RRS § 9033, part. (ii) 1907 c 241 § 61; 1890 p 159 § 51; RRS § 9064.]
- 35.23.290 Source—[(i) 1907 c 241 § 28, part; 1890 p 148 § 37; RRS § 9033, part. (ii) 1907 c 241 § 60; 1890 p 159 § 50; RRS § 9063.]
- 35.23.300 Source—[(i) 1907 c 241 § 16, part; RRS § 9021, part. (ii) 1907 c 241 § 57, part; 1890 p 158 § 47; RRS § 9060, part. (iii) 1907 c 241 § 58, part; 1890 p 158 § 48; RRS § 9061, part.]
- 35.23.310 Source—[(i) 1907 c 241 § 57, part; 1890 p 158 § 47; RRS § 9060, part. (ii) 1907 c 241 § 58, part; 1890 p 158 § 48; RRS § 9061, part.]
- 35.23.320 Source—[1890 p 178 § 103; RRS § 9086.]
- 35.23.330 Source—[(i) 1907 c 241 § 35; RRS § 9042. (ii) 1907 c 241 § 72, part; RRS § 9075, part.]
- 35.23.340 Source—[1957 c 224 § 1; 1907 c 241 § 36; 1890 p 154 § 40; RRS § 9043.]

Explanatory  
note.

- Explanatory  
note.
- 35.23.352 Source—[1957 c 121 § 1; 1951 c 211 § 1. Prior: (i) 1907 c 241 § 52; RRS § 9055. (ii) 1915 c 184 § 31; RRS § 9145. (iii) 1947 c 151 § 1; 1890 p 209 § 166; Rem. Supp. 1947 § 9185.]
- 35.23.353 Source—[1963 c 130 § 1.]  
“chapter 282, section 1, session laws 1957 (RCW 35.13.280)”  
to “RCW 35.13.280 as now or hereafter amended”.
- 35.23.370 Source—[1907 c 241 § 37; RRS § 9044.]
- 35.23.380 Source—[1907 c 241 § 32; RRS § 9039.]
- 35.23.390 Source—[(i) 1907 c 241 § 31, part; RRS § 9038, part. (ii) 1907 c 228 § 1, part; RRS § 9199, part. (iii) 1907 c 241 § 67, part; RRS § 9070, part.]
- 35.23.400 Source—[1907 c 241 § 31, part; RRS § 9038, part.]
- 35.23.410 Source—[1907 c 241 § 67, part; RRS § 9070, part.]  
In first sentence “waterfront on navigable waters” to “waterfront or navigable waters” in restoration of session law language.
- 35.23.420 Source—[1907 c 241 § 67, part; RRS § 9070, part.]
- 35.23.430 Source—[1907 c 241 § 65; RRS § 9068.]
- 35.23.440 Source—[1907 c 241 § 29; 1890 p 148 § 38; RRS § 9034.]  
in subd. (31) the session law phrase “five hundred dollars or three months’ imprisonment” is restored in lieu of “one hundred dollars or thirty days’ imprisonment” which in the 1941 Code Committee re-write now appearing in RCW 35.23.440. While such restoration preserves the apparent conflict between this section and the later section relating the jurisdiction of police judges [1913 c 103 § 2; RCW 35.23.600], reconciliation appears to be beyond the scope of this reenactment project and will probably be proposed in a separate bill.
- 35.23.450 Source—[1907 c 241 § 69; RRS § 9072.]
- 35.23.460 Source—[1963 c 127 § 1; 1947 c 162 § 1; RRS § 9592-160.]
- 35.23.470 Source—[1913 c 57 § 1; RRS § 9035.]
- 35.23.480 Source—[1913 c 57 § 2, part; RRS § 9036, part.]
- 35.23.490 Source—[1913 c 57 § 2, part; RRS § 9036, part.]
- 35.23.500 Source—[1907 c 241 § 70; 1890 p 162 § 57; RRS § 9073.]
- 35.23.510 Source—[1941 c 49 § 1; 1927 c 273 § 1; 1907 c 228 § 3; Rem. Supp. 1941 § 9201.]
- 35.23.520 Source—[1907 c 241 § 33; RRS § 9040.]  
Section decodified as superseded by the later comprehensive act, 1917 c 137 (chapter 35.94 RCW.)
- 35.23.530 Source—[1907 c 241 § 14; 1890 p 147 § 35; RRS § 9019.]
- 35.23.540 Source—[1907 c 241 § 71, part; RRS § 9074, part.]
- 35.23.550 Source—[1907 c 241 § 71, part; RRS § 9074, part.]
- 35.23.560 Source—[1901 c 117 § 1; RRS § 9526.]
- 35.23.570 Source—[1901 c 117 § 2; RRS § 9527.]
- 35.23.580 Source—[1901 c 117 § 3; RRS § 9528.]
- 35.23.590 Source—[1913 c 103 § 1; RRS § 9076.]
- 35.23.600 Source—[1913 c 103 § 2; RRS § 9077.]
- 35.23.610 Source—[1913 c 103 § 3; RRS § 9078.]
- 35.23.620 Source—[1913 c 103 § 4; RRS § 9079.]
- 35.23.630 Source—[1913 c 103 § 5; RRS § 9080.]
- 35.23.640 Source—[1913 c 103 § 6; RRS § 9081.]
- 35.23.650 Source—[1953 c 60 § 6; 1913 c 103 § 7; RRS § 9082.]
- 35.23.660 Source—[1913 c 103 § 8; RRS § 9083.]
- 35.23.670 Source—[1890 p 176 § 99; RRS § 9084.]
- Chapter 35.24 Third Class Cities**
- 35.24.010 Source—[1957 c 56 § 1; 1933 c 83 § 1; 1915 c 184 § 1; 1890 p 176 § 104; RRS § 9114.]
- 35.24.020 Source—[1961 c 81 § 1; 1955 c 365 § 2; 1955 c 55 § 5. Prior: (i) 1915 c 184 § 2; 1891 c 156 § 4; 1890 p 179 § 105; RRS § 9115. (ii) 1929 c 182 § 1, part; 1927 c 159 § 1; 1915 c 184 § 3, part; 1893 c 57 § 1; 1891 c 156 § 1; 1890 p 179 § 106; RRS § 9116, part. (iii) 1915 c 184 § 28; 1890 p 196 § 137; RRS § 9142.]

- 35.24.030 Source—[1915 c 184 § 9; 1890 p 181 § 111; RRS § 9122.] Session law language restored. Explanatory note.
- 35.24.040 Source—[1941 c 57 § 1, part; 1915 c 184 § 32, part; Rem. Supp. 1941 § 9146, part.] Repealed by 1961 c 268 § 17.
- 35.24.050 Source—[1963 c 200 § 15; 1959 c 86 § 4; 1955 c 365 § 3; 1955 c 55 § 6. Prior: (i) 1929 c 182 § 1, part; 1927 c 159 § 1; 1915 c 184 § 3, part; 1893 c 57 § 1; 1891 c 156 § 1; 1890 p 179 § 106; RRS § 9116, part. (ii) 1941 c 108 § 1; 1939 c 87 § 1; Rem. Supp. 1941 § 9116-1.]
- 35.24.060 Source—[1915 c 184 § 8; 1890 p 180 § 110; RRS § 9121.] Last sentence of RCW 35.24.260 deleted as covered by the general election laws.
- 35.24.070 Source—[1915 c 184 § 13, part; 1890 p 182 § 115; RRS § 9126.] "and of all election returns" deleted as canvass is now performed by the county canvassing board.
- 35.24.080 Source—[1915 c 184 § 5; 1893 c 70 § 1; 1890 p 179 § 107; RRS § 9118.]
- 35.24.090 Source—[1961 c 89 § 7; 1941 c 115 § 1; 1915 c 184 § 7; 1893 c 70 § 2; 1890 p 180 § 109; Rem. Supp. 1941 § 9120.]
- 35.24.100 Source—[(i) 1919 c 113 § 1; 1915 c 184 § 6; 1890 p 180 § 108; RRS § 9119. (ii) 1907 c 228 § 5, part; RRS § 9203, part.] The second sentence in the first paragraph which states "The removal of a councilman from the ward for which he was elected creates a vacancy in that office." deleted as this is part of 1915 c 184 § 14 (k), herein 35.24.290(11).
- 35.24.110 Source—[1915 c 184 § 26; 1893 c 70 § 11; 1890 p 192 § 132; RRS § 9140.]
- 35.24.120 Source—[1915 c 184 § 25; RRS § 9139.]
- 35.24.130 Source—[1915 c 184 § 24; 1893 c 70 § 8; 1890 p 192 § 132; RRS § 9138.]
- 35.24.140 Source—[1915 c 184 § 30; 1890 p 197 § 139; RRS § 9144.]
- 35.24.150 Reviser's cross-reference section.
- 35.24.160 Source—[1915 c 184 § 27; 1893 c 70 § 12; 1890 p 195 § 136, RRS § 9141.]
- 35.24.170 Source—[1941 c 57 § 1, part; 1915 c 184 § 32, part; 1890 p 197 § 140; Rem. Supp. 1941 § 9146, part.] Repealed by 1961 c 268 § 17.
- 35.24.180 Source—[1915 c 184 § 10, part; 1893 c 70 § 3; 1890 p 181 § 113; RRS § 9123, part.]
- 35.24.190 Source—[(i) 1915 c 184 § 10, part; 1893 c 70 § 3; 1890 p 181 § 113; RRS § 9123, part. (ii) 1915 c 184 § 23; RRS § 9137.]
- 35.24.200 Source—[(i) 1915 c 184 § 13, part; 1890 p 182 § 115; RRS § 9126, part. (ii) 1915 c 184 § 11, part; 1891 c 156 § 2; 1890 p 182 § 114; RRS § 9124, part.]
- 35.24.210 Source—[(i) 1915 c 184 § 11, part; 1891 c 156 § 2; 1890 p 182 § 114; RRS § 9124, part. (ii) 1915 c 184 § 12, part; 1893 c 70 § 4; 1890 p 182 § 116; RRS § 9125, part. (iii) 1915 c 184 § 18, part; 1890 p 186 § 118; RRS § 9132, part.] This section contains part of the contents of § 12, chapter 184, Laws of 1915 which was divided by the 1941 Code Committee into RCW 35.24.210, 35.24.220 and 35.24.250. However, one sentence of § 12 was not carried into any of these three RCW sections. The omitted sentence of the session law section which reads: "No ordinance shall take effect until five days from and after the date of its publication." is herein restored and the phrase "unless otherwise provided in this title" is added in view of RCW 35.33.080 Emergency expenditures—nondebatable emergencies.

- Explanatory  
note.
- 35.24.220 Source—[(i) 1915 c 184 § 18, part; 1890 p 186 § 118; RRS § 9132, part. (ii) 1915 c 184 § 12, part; 1893 c 70 § 4; 1890 p 182 § 116; RRS § 9125, part.  
Section revised in accordance with AGO of Dec. 15, 1955 addressed to the State Auditor.
- 35.24.230 Source—[1915 c 184 § 20; 1890 p 187 § 122; RRS § 9134.]
- 35.24.240 Source—[1957 c 97 § 9; 1915 c 184 § 34; RRS § 9148.]  
This section which saves ordinances in effect on June 10, 1915 is herein decodified.
- 35.24.250 Source—[(i) 1915 c 184 § 12, part; 1893 c 70 § 4; 1890 p 182 § 116; RRS § 9125, part. (ii) 1907 c 228 § 1, part; RRS § 9199, part.]
- 35.24.260 Source—[1915 c 184 § 19; 1890 p 186 § 119; RRS § 9133.]
- 35.24.272 Reviser's cross-reference section.
- 35.24.273 Reviser's cross-reference section.
- 35.24.274 Source—[1963 c 72 § 2.]
- 35.24.275 Source—[1963 c 72 § 1.]
- 35.24.290 Source—[1915 c 184 § 14; 1893 c 70 § 3; 1891 c 56 § 3; 1890 p 183 § 117; RRS § 9127.]
- 35.24.300 Source—[1963 c 155 § 1; 1915 c 184 § 15; RRS § 9128.]
- 35.24.305 Source—[1957 c 166 § 1.]
- 35.24.306 Source—[1963 c 131 § 1.]
- 35.24.310 Source—[1915 c 184 § 22; RRS § 9136.]
- 35.24.320 Reviser's cross-reference section.
- 35.24.330 Source—[1915 c 184 § 21; 1890 p 187 § 123; RRS § 9135.]
- 35.24.340 Source—[1915 c 186 § 3; RRS § 9153.]
- 35.24.350 Source—[1919 c 167 § 2; RRS § 9131.]
- 35.24.360 Reviser's cross-reference section.
- 35.24.370 Source—[1905 c 75 § 1, part; 1890 p 201 § 154; RRS § 9210, part.]
- 35.24.380 Source—[1915 c 184 § 33; RRS § 9147.]
- 35.24.390 Source—[1941 c 145 § 1; RRS § 9138-1.]
- 35.24.400 Source—[1941 c 145 § 2; RRS § 9138-2.]
- 35.24.410 Source—[1917 c 124 § 1, part; 1915 c 184 § 16, part; RRS § 9129, part.]
- 35.24.420 Source—[1917 c 124 § 1, part; 1915 c 184 § 16, part; RRS § 9129, part.]
- 35.24.430 Source—[1917 c 124 § 1, part; 1915 c 184 § 16, part; RRS § 9129, part.]  
Portion of last sentence following "state auditor" restored to session law language.
- 35.24.440 Source—[1923 c 153 § 1; RRS § 8913-1.]
- 35.24.450 Source—[1919 c 113 § 2, part; 1915 c 184 § 29, part; 1890 p 196 § 138; RRS § 9143, part.]
- 35.24.460 Source—[1919 c 113 § 2, part; 1915 c 184 § 29, part; 1890 p 196 § 138; RRS § 9143, part.]
- 35.24.470 Source—[1919 c 113 § 2, part; 1915 c 184 § 29, part; 1890 p 196 § 138; RRS § 9143, part.]

## Chapter 35.27 Towns

- 35.27.010 Source—[1890 p 198 § 142; RRS § 9163.]
- 35.27.020 Source—[1951 c 109 § 1; 1890 p 141 § 15, part; RRS § 8935, part.]  
1951 c 109 § 1 repealed by 1961 c 277 § 6 and 1890 p 141 § 5 restored to original language and codified as RCW 35.21.010.
- 35.27.030 Source—[1899 c 79 § 1; RRS § 9195.]
- 35.27.040 Source—[1899 c 79 § 2; RRS § 9196.]
- 35.27.050 Source—[1899 c 79 § 3; RRS § 9197.]
- 35.27.060 Source—[1899 c 79 § 4; RRS § 9198.]
- 35.27.070 Source—[1961 c 89 § 3. Prior: (i) 1903 c 113 § 4; 1890 p 198 § 143; RRS § 9164. (ii) 1941 c 108 § 2; 1939 c 87 § 2; Rem. Supp. 1941 § 9165-1a. (iii) 1943 c 183 § 1, part; 1941 c 91 § 1, part; 1911 c 33 § 1, part; 1903 c 113 § 5, part; 1890 p 198 § 144, part; Rem. Supp. 1943 § 9165.]

- 35.27.080 Source—[1890 p 200 § 149; RRS § 9170.] Explanatory  
 “or appointment” deleted in view of later enactment regarding note.  
 residence of appointed officials, herein RCW 35.21.200.
- 35.27.090 Source—[1963 c 200 § 16; 1961 c 89 § 4. Prior: 1955 c 55 § 7;  
 1943 c 183 § 1, part; 1941 c 91 § 1, part; 1911 c 33 § 1, part;  
 1903 c 113 § 5, part; 1890 p 198, § 144, part; Rem. Supp. 1943  
 § 9165, part.]
- 35.27.100 Source—[1890 p 200 § 148; RRS § 9169.]  
 Last sentence of RCW 35.27.100 deleted as covered by general  
 election laws.
- 35.27.110 Source—[1890 p 201 § 152, part; RRS § 9173, part.]
- 35.27.120 Source—[1890 p 199 § 145; RRS § 9166.]
- 35.27.130 Source—[1961 c 89 § 5. Prior: (i) 1941 c 115 § 2; 1890 p 200 § 147;  
 Rem. Supp. 1941 § 9168. (ii) 1921 c 24 § 1, part; 1890 p 209  
 § 168, part; RRS § 9187, part. (iii) 1890 p 214 § 173; RRS § 9191.  
 (iv) 1943 c 183 § 1, part; 1941 c 91 § 1, part; 1911 c 33 § 1,  
 part; 1903 c 113 § 5, part; 1890 p 198 § 144, part; RRS § 9165,  
 part.]
- 35.27.140 Source—[(i) 1903 c 113 § 6; 1890 p 199 § 146, RRS § 9167. (ii)  
 1907 c 228 § 5, part; RRS § 9203, part.]
- 35.27.150 Source—[1941 c 57 § 2; 1890 p 215 § 176; Rem. Supp. 1941 §  
 9194.]  
 Repealed by 1961 c 268 § 18.
- 35.27.160 Source—[1890 p 209 § 167; RRS § 9186.]  
 First two sentences, presently omitted, are herewith restored.
- 35.27.170 Source—[1961 c 89 § 6. Prior: 1921 c 24 § 1, part; 1890 p 209 §  
 168, part; RRS § 9187, part.]
- 35.27.180 Source—[(i) 1945 c 58 § 1; Rem. Supp. 1945 § 9177-1. (ii) 1945  
 c 58 § 4, part; Rem. Supp. 1945 § 9177-4, part.]
- 35.27.190 Source—[(i) 1945 c 58 § 2; Rem. Supp. 1945 § 9177-2. (ii) 1945  
 c 58 § 3; Rem. Supp. 1945 § 9177-3.]
- 35.27.200 Source—[1945 c 58 § 4, part; Rem. Supp. 1945 § 9177-4, part.]
- 35.27.210 Source—[1890 p 214 § 175; RRS § 9193.]
- 35.27.220 Source—[1890 p 210 § 170, part; RRS § 9188, part.]
- 35.27.230 Source—[1890 p 210 § 170, part; RRS § 9188, part.]
- 35.27.240 Source—[1963 c 191 § 1; 1890 p 213 § 172; RRS § 9190.]
- 35.27.250 Source—[1890 p 212 § 171; RRS § 9189.]
- 35.27.260 Reviser's cross-reference section.
- 35.27.270 Source—[(i) 1890 p 200 § 150; RRS § 9171. (ii) 1890 p 201 § 153,  
 part; RRS § 9174, part.]
- 35.27.280 Source—[(i) 1890 p 201 § 151; RRS § 9172. (ii) 1890 p 201 § 152,  
 part; RRS § 9173, part.]
- 35.27.290 Source—[1917 c 99 § 1, part; 1890 p 204 § 155, part; RRS § 9178,  
 part.]
- 35.27.300 Source—[1917 c 99 § 1, part; 1890 p 204 § 155, part; RRS § 9178,  
 part.]
- 35.27.310 Source—[1890 p 210 § 170, part; RRS § 9188, part.]
- 35.27.320 Source—[1890 p 205 § 159; RRS § 9180.]
- 35.27.330 Source—[(i) 1890 p 201 § 153, part; RRS § 9174, part. (ii) 1907  
 c 228 § 1, part; RRS § 9199, part.]
- 35.27.340 Source—[(i) 1890 p 210 § 170, part; RRS § 9188, part. (ii) 1890  
 p 204 § 156; RRS § 9179.]
- 35.27.350 Source—[1903 c 120 § 1; RRS § 9177.]
- 35.27.362 Reviser's cross-reference section.
- 35.27.363 Reviser's cross-reference section.
- 35.27.364 Reviser's cross-reference section.
- 35.27.370 Source—[1955 c 378 § 4; 1949 c 151 § 1; 1945 c 214 § 1; 1941  
 c 74 § 1; 1927 c 207 § 1; 1925 ex.s. c 159 § 1; 1895 c 32 § 1;  
 1890 p 201 § 154; Rem. Supp. 1949 § 9175.]
- 35.27.375 Reviser's cross-reference section.
- 35.27.380 Source—[1890 p 207 § 162; RRS § 9182.]
- 35.27.390 Reviser's cross-reference section.



**Explanatory  
note.**

- 35.27.400 Source—[1961 c 58 § 1; 1899 c 103 § 1; RRS § 9176.]
  - 35.27.410 Source—[1890 p 205 § 160; RRS § 9181.]
  - 35.27.420 Source—[1955 c 337 § 26. Prior: (i) 1929 c 61 § 1; 1909 c 138 § 1; RRS § 11229. (ii) 1941 c 27 § 1, part; 1929 c 61 § 4, part; 1927 c 141 § 1; 1909 c 138 § 4; Rem. Supp. 1949 § 11232, part.]
  - 35.27.430 Source—[1929 c 61 § 2; 1909 c 138 § 2; RRS § 11230.]
  - 35.27.440 Source—[1929 c 61 § 3; 1909 c 138 § 3; RRS § 11231.]
  - 35.27.450 Source—[1955 c 337 § 27. Prior: (i) 1929 c 61 § 5; RRS § 11233. (ii) 1941 c 27 § 1, part; 1929 c 61 § 4, part; 1917 c 141 § 1; 1909 c 138 § 4; Rem. Supp. 1941 § 11232, part.]
  - 35.27.460 Source—[1955 c 337 § 28. Prior: 1941 c 27 § 1, part; 1929 c 61 § 4, part; 1917 c 141 § 1; 1909 c 138 § 4; Rem. Supp. 1941 § 11232, part.]
  - 35.27.470 Source—[1955 c 337 § 29. Prior: 1941 c 27 § 1, part; 1929 c 61 § 4, part; 1917 c 141 § 1; 1909 c 138 § 4; Rem. Supp. 1941 § 11232, part.]
  - 35.27.480 Source—[1955 c 337 § 30. Prior: 1941 c 27 § 1, part; 1929 c 61 § 4, part; 1917 c 141 § 1; 1909 c 138 § 4; Rem. Supp. 1941 § 11232, part.]
  - 35.27.490 Revlser's cross-reference section.
  - 35.27.500 Source—[1905 c 75 § 1, part; RRS § 9210, part.]
  - 35.27.510 Source—[1939 c 96 § 1; 1929 c 98 § 1; RRS § 9185-1.]
  - 35.27.520 Source—[1921 c 70 § 1, part; 1890 p 214 § 174, part; RRS § 9192, part.]
  - 35.27.530 Source—[1921 c 70 § 1, part; 1890 p 214 § 174, part; RRS § 9192, part.]
  - This section is discussed in notes relating to 35.23.440.
  - 35.27.540 Source—[1921 c 70 § 1, part; 1890 p 214 § 174, part; RRS § 9192, part.]
  - 35.27.550 Source—[1961 c 33 § 1.]
  - 35.27.560 Source—[1961 c 33 § 2.]
  - 35.27.570 Source—[1961 c 33 § 3.]
  - 35.27.580 Source—[1961 c 33 § 4.]
  - 35.27.590 Source—[1961 c 33 § 5.]
  - 35.27.600 Source—[1961 c 33 § 7.]
- Formerly footnoted at 35.27.550.

**Chapter 35.30 Unclassified Cities**

- 35.30.010 Source—[1899 c 69 § 1; RRS § 8944.]
- 35.30.020 Source—[1899 c 69 § 2; RRS § 8945.]
- 35.30.030 Source—[1899 c 69 § 3; RRS § 8946.]
- 35.30.040 Source—[1890 p 225 § 1; RRS § 9532.]  
See note at 35.22.280.
- 35.30.050 Source—[1890 p 225 § 2; RRS § 9533.]  
See note at 35.22.280.
- 35.30.060 Source—[1890 p 225 § 3; RRS § 9534.]  
See note at 35.22.280.

**Chapter 35.31 Accident Claims and Funds**

- 35.31.010 Source—[1957 c 224 § 2; 1909 c 83 § 1; RRS § 9478.]
- 35.31.020 Source—[1957 c 224 § 3; 1917 c 96 § 1; 1915 c 148 § 1; 1909 c 83 § 2; RRS § 9479.]
- 35.31.030 Source—[1909 c 83 § 3; RRS § 9480.]
- 35.31.040 Source—[1957 c 224 § 4; 1915 c 148 § 2; 1909 c 167 § 1; RRS § 9481.]
- 35.31.050 Source—[(i) 1909 c 128 § 1; RRS § 9482. (ii) 1909 c 128 § 2; RRS § 9483. (iii) 1909 c 128 § 5; RRS § 9486.]
- 35.31.060 Source—[1909 c 128 § 3; RRS § 9484.]  
See notes at 35.31.050.
- 35.31.070 Source—[1909 c 128 § 4; RRS § 9485.]  
See notes at 35.31.050.

## Chapter 35.32 Budgets in Cities Over 300,000

Explanatory  
note.

- 35.32.010 Source—[(i) 1925 ex.s. c 125 § 1, part; RRS § 9000-13, part. (ii) 1925 ex.s. c 125 § 2, part; RRS § 9000-14, part.] in subd. (6) "of the respective departments, the maintenance" restored.
- 35.32.020 Source—[(i) 1925 ex.s. c 125 § 1, part; RRS § 9000-13, part. (ii) 1925 ex.s. c 125 § 10, part; RRS § 9000-22, part.]
- 35.32.030 Source—[1925 ex.s. c 125 § 2, part; RRS § 9000-14, part.]
- 35.32.040 Source—[1925 ex.s. c 125 § 2, part; RRS § 9000-14, part.]
- 35.32.050 Source—[1925 ex.s. c 125, § 3, part; RRS § 9000-15, part.]
- 35.32.060 Source—[1925 ex.s. c 125 § 3, part; RRS § 9000-15, part.] Second sentence presently omitted from RCW, restored.
- 35.32.070 Source—[1925 ex.s. c 125 § 4, part; RRS § 9000-16, part.]
- 35.32.080 Source—[(i) 1925 ex.s. c 125 § 4, part; RRS § 9000-16, part. (ii) 1925 ex.s. c 125 § 5; RRS § 9000-17.]
- 35.32.090 Source—[1925 ex.s. c 125 § 11; RRS § 9000-23.]
- 35.32.100 Source—[(i) 1925 ex.s. c 125 § 2, part; RRS § 9000-14, part. (ii) 1949 c 118 § 1, part; 1927 c 168 § 1, part; 1925 ex.s. c 125 § 7, part; Rem. Supp. 1949 § 9000-19, part.]
- 35.32.110 Source—[1949 c 118 § 1, part; 1927 c 168 § 1, part; 1925 ex.s. c 125 § 7, part; Rem. Supp. 1949 § 9000-19, part.]
- 35.32.120 Source—[1949 c 118 § 1, part; 1927 c 168 § 1, part; 1925 ex.s. c 125 § 7, part; Rem. Supp. 1949 § 9000-19, part.]
- 35.32.130 Source—[1949 c 118 § 1, part; 1927 c 168 § 1, part; 1925 ex.s. c 125 § 7, part; Rem. Supp. 1949 § 9000-19, part.]
- 35.32.140 Source—[1925 ex.s. c 125 § 6, part; RRS § 9000-18, part.]
- 35.32.150 Source—[1925 ex.s. c 125 § 6, part; RRS § 9000-18, part.]
- 35.32.160 Source—[1927 c 168 § 2, part; 1925 ex.s. c 125 § 8, part; RRS § 9000-20, part.]
- 35.32.170 Source—[1927 c 168 § 2, part; 1925 ex.s. c 125 § 8, part; RRS § 9000-20, part.]
- 35.32.180 Source—[1925 ex.s. c 125 § 6, part; RRS § 9000-18, part.]
- 35.32.190 Source—[1925 ex.s. c 125 § 2, part; RRS § 9000-14, part.]
- 35.32.195 Source—[1951 c 80 § 1.]
- 35.32.200 Source—[1925 ex.s. c 125 § 9; RRS § 9000-21.]
- 35.32.210 Source—[(i) 1925 ex.s. c 125 § 2, part; RRS § 9000-14, part. (ii) 1925 ex.s. c 125 § 10, part; RRS § 9000-22, part. (iii) 1925 ex.s. c 125 § 12; RRS § 9000-24.]

Chapter 35.33 Budgets in Second and Third Class Cities  
and First Class Cities Under 300,000

- 35.33.010 Source—[1923 c 158 § 9; RRS § 9000-9.]
- 35.33.020 Source—[1923 c 158 § 8; RRS § 9000-8.]
- 35.33.030 Source—[1923 c 158 § 1; RRS § 9000-1.]  
In first sentence, "in writing" restored.
- 35.33.040 Source—[1953 c 180 § 1; 1923 c 158 § 2, part; RRS § 9000-2, part.]
- 35.33.050 Source—[(i) 1923 c 158 § 2, part; RRS § 9000-2, part. (ii) 1923 c 158 § 3, part; RRS § 9000-3, part.]
- 35.33.060 Source—[1923 c 158 § 3, part; RRS § 9000-3, part.]
- 35.33.070 Source—[1923 c 158 § 4; RRS § 9000-4.]
- 35.33.080 Source—[1961 c 166 § 1; 1955 c 337 § 32. Prior: 1923 c 158 § 6, part; RRS § 9000-6, part.]
- 35.33.090 Source—[1961 c 166 § 2; 1955 c 337 § 33. Prior: 1923 c 158 § 6, part; RRS § 9000-6, part.]
- 35.33.100 Source—[1957 c 44 § 1; 1955 c 337 § 34. Prior: 1953 c 180 § 2; 1923 c 158 § 6, part; RRS § 9000-6, part.]
- 35.33.105 Source—[1951 c 154 § 1.]
- 35.33.110 Source—[1923 c 158 § 10; RRS § 9000-10.]

Explanatory  
note.

- 35.33.120 Source—[1961 c 166 § 4. Prior: 1955 c 322 § 1; 1923 c 158 § 5, part; RRS § 9000-5, part.]  
In first para., next to last sentence, “except as otherwise provided in RCW 35.33.105” added to harmonize this section with 35.33.105.
- 35.33.130 Source—[1961 c 166 § 5. Prior: 1923 c 158 § 5, part; RRS § 9000-5, part.]
- 35.33.140 Source—[1923 c 158 § 7; RRS § 9000-7.]
- 35.33.150 Source—[1961 c 166 § 6; 1957 c 44 § 2; 1955 c 337 § 35. Prior: 1953 c 180 § 3; 1923 c 158 § 6, part; RRS § 9000-6, part.]
- 35.33.160 Source—[1923 c 158 § 11; RRS § 9000-11.]

#### Chapter 35.36 Execution of Bonds By Proxy—First Class Cities

- 35.36.010 Source—[1929 c 212 § 1; RRS § 9005-5.]
- 35.36.020 Source—[1929 c 212 § 4; RRS § 9005-8.]
- 35.36.030 Source—[1929 c 212 § 5; RRS § 9005-9.]
- 35.36.040 Source—[1929 c 212 § 6; RRS § 9005-10.]
- 35.36.050 Source—[1929 c 212 § 3; RRS § 9005-7.]
- 35.36.060 Source—[1929 c 212 § 2, part; RRS § 9005-6, part.]
- 35.36.070 Source—[1929 c 212 § 2, part; RRS § 9005-6, part.]

#### Chapter 35.37 Fiscal—Cities Under 20,000 and Cities Other Than First Class—Bonds

- 35.37.010 Source—[(i) 1897 c 84 § 1; RRS § 5635. (ii) 1897 c 84 § 2; RRS § 5636. (iii) 1897 c 84 § 9; RRS § 5643. (iv) 1897 c 84 § 10, part; RRS § 5644, part.]
- 35.37.020 Source—[1897 c 84 § 10, part; RRS § 5644, part.]
- 35.37.025 Source—[1897 c 84 § 11; RRS § 5645.]  
This section is presently codified as RCW 35.11.090, see notes (General Comment) for chapter 35.10 RCW.
- 35.37.027 Source—[1897 c 84 § 12; RRS § 5646.]  
This section is presently codified as RCW 35.10.140, see notes (General Comment) for chapter 35.10 RCW.
- 35.37.030 Source—[(i) 1891 c 128 § 10; RRS § 9548. (ii) 1891 c 128 § 11; RRS § 9549.]
- 35.37.040 Source—[(i) 1891 c 128 § 1; RRS § 9538. (ii) 1891 c 128 § 6, part; RRS § 9544, part.]  
See note at 35.22.280.
- 35.37.050 Source—[(i) 1891 c 128 § 2; RRS § 9539. (ii) 1891 c 128 § 4, part; RRS § 9542, part.]  
See note at 35.22.280.
- 35.37.060 Source—[1951 c 65 § 1. Formerly: (i) 1891 c 128 § 3; RRS § 9540. (ii) 1911 c 31 § 1; RRS § 9541.]
- 35.37.070 Source—[1891 c 128 § 4, part; RRS § 9542, part.]
- 35.37.080 Source—[1891 c 128 § 5, part; RRS § 9543, part.]
- 35.37.090 Source—[(i) 1891 c 128 § 5, part; RRS § 9543, part. (ii) 1891 c 128 § 6, part; RRS § 9544, part.]
- 35.37.100 Source—[1891 c 128 § 7; RRS § 9545.]
- 35.37.110 Source—[1891 c 128 § 8; RRS § 9546.]
- 35.37.120 Source—[1891 c 128 § 9; RRS § 9547.]

#### Chapter 35.38 Fiscal—Depositaries

- 35.38.010 Source—[1905 c 103 § 1; RRS § 5568.]
- 35.38.020 Source—[1947 c 245 § 1; 1945 c 240 § 1; 1935 c 45 § 1; 1931 c 87 § 4; 1913 c 118 § 1; 1909 ex.s. c 10 § 1; 1905 c 103 § 2; Rem. Supp. 1947 § 5569.]  
In subd. (4) “section 6(f), chapter 1, Laws of 1931;” to “RCW 54.16.070 as now or hereafter amended”.
- 35.38.030 Source—[1923 c 18 § 1; 1907 c 22 § 1; RRS § 5571.]
- 35.38.040 Source—[1945 c 240 § 2; 1935 c 45 § 3; 1931 c 87 § 5; 1909 c 40 § 1; 1907 c 22 § 2; Rem. Supp. 1945 § 5572.]  
Same revision as in 35.38.020.

- 35.38.050 Source—[(1) 1905 c 103 § 3; RRS § 5570. (II) 1907 c 22 § 3; Explanatory note. RRS § 5573.]
- 35.38.055 Source—[1955 c 81 § 1.]
- 35.38.060 Source—[1907 c 22 § 4; RRS § 5574.]
- 35.38.070 Source—[1945 c 70 § 1, part; 1941 c 18 § 1, part; 1929 c 186 § 1, part; Rem. Supp. 1945 § 5574-1, part.]
- 35.38.080 Source—[1929 c 186 § 3, part; RRS § 5574-3, part.]
- 35.08.090 Source—[1929 c 186 § 5, part; RRS § 5574-5, part.]
- 35.38.100 Source—[1929 c 186 § 4, part; RRS § 5574-4, part.]
- 35.38.110 Source—[1929 c 186 § 2, part; RRS § 5574-2, part.]

#### Chapter 35.39 Fiscal—Finance Committee—Investment of Funds

- 35.39.010 Source—[1935 c 45 § 2; RRS § 5570-1.]
- 35.39.020 Source—[1935 c 45 § 4; RRS § 5573-1.]
- 35.39.030 Source—[1943 c 92 § 1; Rem. Supp. 1943 § 5646-13.]
- 35.39.040 Source—[1961 c 212 § 1; 1951 c 275 § 1; 1943 c 92 § 2; Rem. Supp. 1943 § 5646-14.]
- 35.39.050 Source—[1943 c 92 § 3; Rem. Supp. 1943 § 5646-15.]  
Presently footnoted following 35.39.030.

#### Chapter 35.40 Fiscal—Validation and Funding of Debts

- 35.40.010 Source—[1891 c 132 § 1; RRS § 9550.]
- 35.40.020 Source—[1891 c 132 § 2; RRS § 9551.]
- 35.40.030 Source—[1893 c 58 § 1; RRS § 9556.]
- 35.40.040 Source—[1893 c 58 § 2; RRS § 9557.]
- 35.40.050 Source—[1893 c 58 § 3; RRS § 9558.]  
“this chapter” to “RCW 35.40.030 through 35.40.050” as 35.40.010 and 35.40.020 derive from a different act.

#### Chapter 35.41 Fiscal—Municipal Revenue Bond Act

- 35.41.010 Source—[1957 c 117 § 1.]
- 35.41.020 Source—[1957 c 117 § 2.]  
Repealed by 1959 c 203 § 2.
- 35.41.030 Source—[1957 c 117 § 3.]
- 35.41.040 Source—[1957 c 117 § 4.]
- 35.41.050 Source—[1957 c 117 § 5.]
- 35.41.060 Source—[1957 c 117 § 6.]
- 35.41.070 Source—[1957 c 117 § 7.]
- 35.41.080 Source—[1959 c 203 § 1; 1957 c 117 § 8.]
- 35.41.090 Source—[1957 c 117 § 9.]
- 35.41.100 Source—[1957 c 117 § 10.]
- 35.41.900 Source—[1957 c 117 § 11.]

#### Chapter 35.42 Leases

- 35.42.010 Source—[1959 c 80 § 1.]
- 35.42.020 Source—[1959 c 80 § 2.]
- 35.42.030 Source—[1959 c 80 § 3.]
- 35.42.040 Source—[1959 c 80 § 4.]
- 35.42.050 Source—[1959 c 80 § 5.]
- 35.42.060 Source—[1959 c 80 § 6.]
- 35.42.070 Source—[1959 c 80 § 7.]
- 35.42.080 Source—[1959 c 80 § 8.]
- 35.42.090 Source—[1959 c 80 § 9.]
- 35.42.200 Source—[1963 c 170 § 1.]
- 35.42.210 Source—[1963 c 170 § 2.]
- 35.42.220 Source—[1963 c 170 § 3.]

#### Chapter 35.43 Local Improvements—Authority—Initiation of Proceedings

- 35.43.010 Source—[1925 ex.s c 117 § 2; 1911 c 98 § 68; RRS § 9421.]
- 35.43.020 Source—[1911 c 98 § 69; RRS § 9422.]

Explanatory  
note.

- 35.43.030 Source—[1963 c 56 § 1. Prior: (i) 1911 c 98 § 60; 1899 c 146 § 1; RRS § 9413. (ii) 1911 c 98 § 67; RRS § 9420. (iii) 1911 c 98 § 71; RRS § 9424.]  
In second paragraph “unincorporated” to “incorporated” to correct manifest error in 1963 c 56 § 1.
- 35.43.040 Source—[1959 c 75 § 1; 1957 c 144 § 2. Prior: (i) 1911 c 98 § 1; RRS § 9352. (ii) 1945 c 190 § 1, part; 1915 c 168 § 6, part; 1913 c 131 § 1, part; 1911 c 98 § 6, part; Rem. Supp. 1945 § 9357, part. (iii) 1911 c 98 § 15; RRS § 9367. (iv) 1911 c 98 § 58, part; RRS § 9411, part.]
- 35.43.045 Source—[1959 c 75 § 2.]
- 35.43.050 Source—[1957 c 144 § 14. Prior: 1947 c 155 § 1, part; 1941 c 90 § 1, part; 1915 c 168 § 2, part; 1911 c 98 § 13, part; Rem. Supp. 1947 § 9365, part.]
- 35.43.060 Source—[1911 c 98 § 64; RRS § 9417.]  
“or may hereafter be” restored.
- 35.43.070 Source—[(i) 1911 c 98 § 8; RRS § 9359. (ii) 1911 c 98 § 66; RRS § 9419.]
- 35.43.075 Source—[1963 c 56 § 3.]
- 35.43.080 Source—[1957 c 144 § 15. Prior: (i) 1947 c 155 § 1, part; 1941 c 90 § 1, part; 1915 c 168 § 2, part; 1911 c 98 § 13, part; Rem. Supp. 1947 § 9365, part. (ii) 1929 c 97 § 2; 1911 c 98 § 14; RRS § 9366.]  
In line 24 of RCW 35.43.080 the word “may” appears incorrectly. The word used in this place in the session law (1957 c 144 § 15) is “must”. The phrase is here corrected to read “except that the petition or resolution *must* describe it as an enlarged district . . .”.
- 35.43.090 Source—[1957 c 144 § 5. Prior: (i) 1911 c 98 § 16, part; RRS § 9368, part. (ii) 1911 c 98 § 17, part; RRS § 9369, part. (iii) 1911 c 98 § 18, part; RRS § 9370, part.]
- 35.43.100 Source—[1911 c 98 § 19; RRS § 9371.]
- 35.43.110 Source—[1957 c 144 § 3. Prior: (i) 1911 c 98 § 58, part; RRS § 9411, part. (ii) 1945 c 190 § 1, part; 1915 c 168 § 6, part; 1913 c 131 § 1, part; 1911 c 98 § 6, part; Rem. Supp. 1945 § 9357, part.]
- 35.43.120 Source—[1957 c 144 § 6. Prior: 1911 c 98 § 9, part; RRS § 9360, part.]
- 35.43.130 Source—[1957 c 144 § 7. Prior: 1953 c 26 § 1. (i) 1911 c 98 § 9, part; RRS § 9360, part. (ii) 1929 c 97 § 1, part; 1911 c 98 § 10, part; RRS § 9361, part. (iii) 1949 c 28 § 1, part; 1931 c 85 § 1, part; 1927 c 109 § 1, part; 1923 c 135 § 1, part; 1921 c 128 § 1, part; 1915 c 168 § 1, part; 1911 c 98 § 12, part; Rem. Supp. 1949 § 9363, part. (iv) 1927 c 209 § 4, part; 1923 c 141 § 4, part; RRS § 9351-4, part.]
- 35.43.140 Source—[1957 c 144 § 8. Prior: 1953 c 177 § 1. (i) 1929 c 97 § 1, part; 1911 c 98 § 10, part; RRS § 9361, part. (ii) 1911 c 98 § 16, part; RRS § 9368, part. (iii) 1911 c 98 § 17, part; RRS § 9369, part. (iv) 1911 c 98 § 18, part; RRS § 9370, part.]
- 35.43.150 Source—[1957 c 144 § 9. Prior: 1929 c 97 § 1, part; 1911 c 98 § 10, part; RRS § 9361, part.]
- 35.43.160 Source—[1957 c 144 § 10. Prior: 1953 c 26 § 2; 1927 c 209 § 4, part; 1923 c 141 § 4, part; RRS § 9351-4, part.]
- 35.43.170 Source—[1957 c 144 § 11. Prior: 1927 c 209 § 4, part; 1923 c 141 § 4, part; RRS § 9351-4, part.]
- 35.43.180 Source—[1963 c 56 § 2; 1957 c 144 § 12. Prior: 1949 c 28 § 1, part; 1931 c 85 § 1, part; 1927 c 109 § 1, part; 1923 c 135 § 1, part; 1921 c 128 § 1, part; 1915 c 168 § 1, part; 1911 c 98 § 12, part; Rem. Supp. 1949 § 9363, part.]
- 35.43.190 Source—[1911 c 98 § 59; RRS § 9412.]
- 35.43.200 Source—[1923 c 176 § 1; RRS § 9425-1.]
- 35.43.210 Source—[1923 c 176 § 2; RRS § 9425-2.]
- 35.43.220 Source—[1923 c 176 § 3; RRS § 9425-3.]
- 35.43.230 Source—[1923 c 176 § 4; RRS § 9425-4.]

Chapter 35.44 Local Improvements—Assessments and Reassessments	Explanatory note.
35.44.010 Source—[1957 c 144 § 16. Prior: 1947 c 155 § 1, part; 1941 c 90 § 1, part; 1915 c 168 § 2, part; 1911 c 98 § 13, part; Rem. Supp. 1947 § 9365, part.]	
35.44.020 Source—[1955 c 364 § 1; 1911 c 98 § 55; RRS § 9408.]	
35.44.030 Source—[1957 c 144 § 17. Prior: 1947 c 155 § 1, part; 1941 c 90 § 1, part; 1915 c 168 § 2, part; 1911 c 98 § 13, part; Rem. Supp. 1947 § 9365, part.]	
35.44.040 Source—[1957 c 144 § 18. Prior: 1947 c 155 § 1, part; 1941 c 90 § 1, part; 1915 c 168 § 2, part; 1911 c 98 § 13, part; Rem. Supp. 1947 § 9365, part.]	
35.44.045 Source—[1959 c 75 § 3.]	
35.44.050 Source—[1957 c 144 § 19. Prior: 1947 c 155 § 1, part; 1941 c 90 § 1, part; 1915 c 168 § 2, part; 1911 c 98 § 13, part; Rem. Supp. 1947 § 9365, part.]	
35.44.060 Source—[1911 c 98 § 11; RRS § 9362.]	
35.44.070 Source—[1953 c 177 § 2; 1929 c 97 § 3, part; 1911 c 98 § 21, part; RRS § 9373, part.]	
35.44.080 Source—[1929 c 97 § 3, part; 1911 c 98 § 21, part; RRS § 9373, part.]	
35.44.090 Source—[1929 c 97 § 3, part; 1911 c 98 § 21, part; RRS § 9373, part.]	
35.44.100 Source—[1929 c 97 § 3, part; 1911 c 98 § 21, part; RRS § 9373, part.]	
35.44.110 Source—[1929 c 97 § 3, part; 1911 c 98 § 21, part; RRS § 9373, part.]	
35.44.120 Source—[1929 c 97 § 3, part; 1911 c 98 § 21, part; RRS § 9373, part.]	
35.44.130 Source—[(i) 1929 c 183 § 1; 1909 c 130 § 1; RRS § 9344. (ii) 1929 c 183 § 2, part; 1909 c 130 § 2, part; RRS § 9345, part.]	
35.44.140 Source—[(i) 1905 c 29 § 1; RRS § 9340. (ii) 1907 c 61 § 1; 1905 c 29 § 2; RRS § 9341. (iii) 1929 c 139 § 2; 1905 c 29 § 4; RRS § 9343.]	
35.44.150 Source—[1915 c 134 § 1; RRS § 9364.]	
35.44.160 Source—[1911 c 98 § 56; RRS § 9409.]	
35.44.170 Source—[(i) 1929 c 204 § 1; RRS § 9343-1. (ii) 1929 c 204 § 2; RRS § 9343-2.]	
35.44.180 Source—[1929 c 97 § 4; RRS § 9373-1.]	
35.44.190 Source—[1911 c 98 § 23; RRS § 9375.]	
35.44.200 Source—[1957 c 143 § 2. Prior: 1911 c 98 § 22, part; RRS § 9374, part.]	
35.44.210 Source—[1957 c 143 § 3. Prior: 1911 c 98 § 22, part; RRS § 9374, part.]	
35.44.220 Source—[1957 c 143 § 4. Prior: 1911 c 98 § 22, part; RRS § 9374, part.]	
35.44.230 Source—[1957 c 143 § 5. Prior: 1911 c 98 § 22, part; RRS § 9374, part.]	
35.44.240 Source—[1957 c 143 § 6. Prior: 1911 c 98 § 22, part; RRS § 9374, part.]	
35.44.250 Source—[1957 c 143 § 7. Prior: 1911 c 98 § 22, part; RRS § 9374, part.]	
35.44.260 Source—[1957 c 143 § 8. Prior: 1911 c 98 § 22, part; RRS § 9374, part.]	
35.44.270 Source—[1957 c 143 § 9. Prior: 1911 c 98 § 22, part; RRS § 9374, part.]	
35.44.280 Source—[1911 c 98 § 42, part; 1893 c 96 § 3; RRS § 9395, part.]	
35.44.290 Source—[(i) 1911 c 98 § 42, part; 1893 c 96 § 3, part; RRS § 9395, part. (ii) 1911 c 98 § 43, part; 1909 c 71 § 1, part; 1893 c 95 § 2, part; RRS § 9396, part.]	
35.44.300 Source—[1911 c 98 § 43, part; 1909 c 71 § 1, part; 1893 c 95 § 2, part; RRS § 9396, part.]	

Explanatory  
note.

- 35.44.310 Source—[1911 c 98 § 43, part; 1909 c 71 § 1, part; 1893 c 95 § 2, part; RRS § 9396, part.]
- 35.44.320 Source—[1911 c 98 § 43, part; 1909 c 71 § 1, part; 1893 c 95 § 2, part; RRS § 9396, part.]
- 35.44.330 Source—[1911 c 98 § 43, part; 1909 c 71 § 1, part; 1893 c 95 § 2, part; RRS § 9396, part.]
- 35.44.340 Source—[1911 c 98 § 45, part; RRS § 9398, part.]
- 35.44.350 Source—[1911 c 98 § 44; 1893 c 95 § 1; RRS § 9397.]  
omitted phrase "The proceedings on appeal from any such assessment," restored.
- 35.44.360 Source—[1911 c 98 § 37, part; RRS § 9390, part.]
- 35.44.370 Source—[1911 c 98 § 37, part; RRS § 9390, part.]
- 35.44.380 Source—[1911 c 98 § 37, part; RRS § 9390, part.]
- 35.44.390 Source—[1911 c 98 § 42, part; 1893 c 96 § 3, part; RRS § 9395, part.]
- 35.44.400 Source—[1911 c 98 § 45, part; RRS § 9398, part.]

## Chapter 35.45 Local Improvements—Bonds and Warrants

- 35.45.010 Source—[(i) 1911 c 98 § 46, part; 1899 c 124 § 1; RRS § 9399, part. (ii) 1917 c 139 § 1, part; 1915 c 168 § 4, part; 1911 c 98 § 47, part; 1899 c 124 § 2, part; RRS § 9400, part. (iii) 1911 c 98 § 50, part; RRS § 9403, part.]
- 35.45.020 Source—[1917 c 139 § 1, part; 1915 c 168 § 4, part; 1911 c 98 § 47, part; 1899 c 124 § 2, part; RRS § 9400, part.]  
(1) in subd. (1) "or partly" restored.  
(2) at end of section; "and must be sold at not less than par", presently omitted, is herewith restored.
- 35.45.030 Source—[(i) 1917 c 139 § 1, part; 1915 c 168 § 4, part; 1911 c 98 § 47, part; 1899 c 124 § 2; RRS § 9400, part. (ii) 1927 c 209 § 5, part; 1925 ex.s. c 183 § 5, part; 1923 c 141 § 5, part; RRS § 9351-5, part. (iii) 1911 c 98 § 52, part; RRS § 9405, part.]
- 35.45.040 Source—[(i) 1911 c 98 § 46, part; 1899 c 124 § 1; RRS § 9399, part. (ii) 1911 c 98 § 48; 1899 c 124 § 3; RRS § 9401.]
- 35.45.050 Source—[1911 c 98 § 54, part; RRS § 9407, part.]
- 35.45.060 Source—[1911 c 98 § 54, part; RRS § 9407, part.]
- 35.45.070 Source—[(i) 1911 c 98 § 52, part; RRS § 9405, part. (ii) 1927 c 209 § 5; 1925 ex.s. c 183 § 5; 1923 c 141 § 5, part; RRS § 9351-5, part.]
- 35.45.080 Source—[(i) 1927 c 209 § 5, part; 1925 ex.s. c 183 § 5, part; 1923 c 141 § 5, part; RRS § 9351-5, part. (ii) 1911 c 98 § 51; 1899 c 124 § 6; RRS § 9404.]
- 35.45.090 Source—[1917 c 140 § 1; 1909 c 108 § 1; RRS § 9351.]
- 35.45.100 Source—[1917 c 58 § 1; 1915 c 17 § 1; RRS § 8983.]  
Recodified as 35.22.580.
- 35.45.110 Source—[1915 c 17 § 2; RRS § 8984.]  
Recodified as 35.22.590.
- 35.45.120 Source—[1915 c 17 § 3; RRS § 8985.]  
Recodified as 35.22.600.
- 35.45.130 Source—[1953 c 117 § 1. Prior: 1915 c 168 § 3; 1911 c 98 § 72; 1899 c 146 § 7; RRS § 9425.]
- 35.45.140 Source—[(i) 1899 c 97 § 1; RRS § 9346. (ii) 1899 c 97 § 2; RRS § 9347. (iii) 1899 c 97 § 3; RRS § 9348. (iv) 1899 c 97 § 4; RRS § 9349. (v) 1899 c 97 § 5; RRS § 9350.]
- 35.45.150 Source—[1961 c 165 § 1.]

## Chapter 35.48 Local Improvements—Nonguaranteed Bonds

- 35.48.010 Source—[1961 c 46 § 1; 1943 c 244 § 2; Rem. Supp. 1943 § 9351-11.]
- 35.48.020 Source—[1961 c 46 § 2; 1943 c 244 § 3; Rem. Supp. 1943 § 9351-12.]
- 35.48.030 Source—[1943 c 244 § 4; Rem. Supp. 1943 § 9351-13.]
- 35.48.040 Source—[1943 c 244 § 5; Rem. Supp. 1943 § 9351-14.]

- 35.48.050 Source—[1961 c 46 § 3; 1943 c 244 § 6; Rem. Supp. 1943 § 9351-15.] Explanatory note.
- 35.48.060 Source—[1943 c 244 § 7; Rem. Supp. 1943 § 9351-16.]

#### Chapter 35.49 Local Improvements—Collection of Assessments

- 35.49.010 Source—[(i) 1911 c 98 § 28; RRS § 9380. (ii) 1911 c 98 § 50, part; RRS § 9403, part.]  
In 2nd para. "all or any portion of the" restored.
- 35.49.020 Source—[1925 ex.s. c 117 § 1; 1915 c 168 § 5; 1911 c 98 § 49; 1899 c 124 § 4; RRS § 9402.]
- 35.49.030 Source—[1955 c 353 § 3. Prior: 1927 c 275 § 1, part; 1921 c 92 § 1, part; 1911 c 98 § 24, part; RRS § 9376, part.]
- 35.49.040 Source—[1911 c 98 § 50, part; RRS § 9403, part.]
- 35.49.050 Source—[1911 c 98 § 50, part; RRS § 9403, part.]
- 35.49.060 Source—[1929 c 183 § 2, part; 1909 c 130 § 2; RRS § 9345, part.]
- 35.49.070 Source—[1929 c 139, § 1; 1905 c 29 § 3; RRS § 9342.]
- 35.49.080 Source—[1929 c 204 § 3; RRS § 9343-3.]
- 35.49.090 Source—[1911 c 98 § 62; RRS § 9415.]
- 35.49.100 Source—[1911 c 98 § 65; RRS § 9418.]
- 35.49.110 Source—[1927 c 275 § 2; 1911 c 98 § 30; RRS § 9382.]
- 35.49.120 Source—[1929 c 143 § 1, part; 1925 ex.s. c 170 § 1, part; 1911 c 98 § 40, part; RRS § 9393, part.]
- 35.49.130 Source—[(i) 1911 c 98 § 63; RRS § 9416. (ii) 1929 c 143 § 1, part; 1925 ex.s. c 170 § 1, part; 1911 c 98 § 40, part; RRS § 9393, part.]
- 35.49.140 Source—[1929 c 143 § 1, part; 1925 ex.s. c 170 § 1, part; 1911 c 98 § 40, part; RRS § 9393, part.]
- 35.49.150 Source—[1929 c 143 § 1, part; 1925 ex.s. c 170 § 1, part; 1911 c 98 § 40, part; RRS § 9393, part.]
- 35.49.160 Source—[1929 c 143 § 1, part; 1925 ex.s. c 170 § 1, part; 1911 c 98 § 40, part; RRS § 9393, part.]

#### Chapter 35.50 Local Improvements—Foreclosure of Assessments

- 35.50.005 Source—[1955 c 343 § 1.]
- 35.50.010 Source—[1955 c 353 § 4. Prior: (i) 1911 c 98 § 20; RRS § 9372. (ii) 1927 c 275 § 1, part; 1921 c 92 § 1; 1911 c 98 § 24, part; RRS § 9376, part.]
- 35.50.020 Source—[1911 c 98 § 61; RRS § 9414.]
- 35.50.030 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.040 Source—[(i) 1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2, part; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. (ii) 1919 c 70 § 1; 1911 c 98 § 35; RRS § 9388. Prior: 1897 c 111.]
- 35.50.050 Source—[1911 c 98 § 41; RRS § 9394.]
- 35.50.060 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.070 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.080 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.090 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.100 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]



- Explanatory note.**
- 35.50.110 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.120 Source—[1953 c 134 § 1; 1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.130 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.140 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.150 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.160 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.170 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.180 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.190 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.200 Source—[1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. Prior: 1897 c 111.]
- 35.50.210 Source—[(i) 1933 c 9 § 1, part; 1927 c 275 § 5, part; 1919 c 70 § 2; 1915 c 185 § 1; 1911 c 98 §§ 34, 36, part; RRS § 9386, part. (ii) 1927 c 275 § 6; RRS § 9394-1. Prior: 1897 c 111.]
- 35.50.220 Source—[1933 c 9 § 2, part; RRS § 9386-1, part.]
- 35.50.230 Source—[1933 c 9 § 2, part; RRS § 9386-1, part.]
- 35.50.240 Source—[1933 c 9 § 2, part; RRS § 9386-1, part.]
- 35.50.250 Source—[1933 c 9 § 2, part; RRS § 9386-1, part.]
- 35.50.260 Source—[1933 c 9 § 2, part; RRS § 9386-1, part.]
- 35.50.270 Source—[1933 c 9 § 2, part; RRS § 9386-1, part.]
- Chapter 35.53 Local Improvements—Disposition of Property Acquired**
- 35.53.010 Source—[1933 c 107 § 1, part; 1927 c 275 § 3, part; 1911 c 98 § 31, part; RRS § 9383, part.]
- 35.53.020 Source—[1933 c 107 § 1, part; 1927 c 275 § 3, part; 1911 c 98 § 31, part; RRS § 9383, part.]
- 35.53.030 Source—[1927 c 275 § 4; 1911 c 98 § 32; RRS § 9384.]
- 35.53.040 Source—[1929 c 142 § 1, part; RRS § 9384-1, part.]
- 35.53.050 Source—[1929 c 142 § 1, part; RRS § 9384-1, part.]
- 35.53.060 Source—[1929 c 142 § 1, part; RRS § 9384-1, part.]
- 35.53.070 Source—[1929 c 142 § 1, part; RRS § 9384-1, part.]
- Chapter 35.54 Local Improvements—Guaranty Fund**
- 35.54.010 Source—[(i) 1917 c 138 § 1; RRS § 8986. (ii) 1917 c 138 § 2; RRS § 8987. (iii) 1917 c 138 § 3; RRS § 8988. (iv) 1917 c 138 § 4; RRS § 8989. (v) 1917 c 138 § 5; RRS § 8990. (vi) 1917 c 138 § 6; RRS § 8991. (vii) 1927 c 209 § 1; 1925 ex.s. c 183 § 1; 1923 c 141 § 1; RRS § 9351-1. (viii) 1927 c 209 § 2, part; 1927 ex.s. c 183 § 2, part; 1923 c 141 § 2, part; RRS § 9351-2, part.]
- 35.54.020 Source—[1933 c 109 § 1, part; 1927 c 209 § 3, part; 1925 ex.s. c 183 § 3, part; 1923 c 141 § 3, part; RRS § 9351-3, part.]
- 35.54.030 Source—[1933 c 109 § 1, part; 1927 c 209 § 3, part; 1925 ex.s. c 183 § 3, part; 1923 c 141 § 3, part; RRS § 9351-3, part.]

- 35.54.040 Source—[1933 c 109 § 1, part; 1927 c 209 § 3, part; 1925 ex.s. c 183 § 3, part; 1923 c 141 § 3, part; RRS § 9351-3, part.] Explanatory note.
- 35.54.050 Source—[1933 c 109 § 1, part; 1927 c 209 § 3, part; 1925 ex.s. c 183 § 3, part; 1923 c 141 § 3, part; RRS § 9351-3, part.]
- 35.54.060 Source—[(i) 1933 c 109 § 1, part; 1927 c 209 § 3, part; 1925 ex.s. c 183 § 3, part; 1923 c 141 § 3, part; RRS § 9351-3, part. (ii) 1927 c 209 § 2, part; 1925 ex.s. c 183 § 2, part; 1923 c 141 § 2, part; RRS § 9351-2, part.]
- 35.54.070 Source—[1933 c 109 § 1, part; 1927 c 209 § 3, part; 1925 ex.s. c 183 § 3, part; 1923 c 141 § 3, part; RRS § 9351-3, part.]
- 35.54.080 Source—[1933 c 109 § 1, part; 1927 c 209 § 3, part; 1925 ex.s. c 183 § 3, part; 1923 c 141 § 3, part; RRS § 9351-3, part.]
- 35.54.090 Source—[1933 c 109 § 1, part; 1927 c 209 § 3, part; 1925 ex.s. c 183 § 3, part; 1923 c 141 § 3, part; RRS § 9351-3, part.]

#### Chapter 35.55 Local Improvements—Filling Lowlands

- 35.55.010 Source—[1917 c 63 § 1; 1909 c 147 § 1; RRS § 9432.]
- 35.55.020 Source—[1909 c 147 § 2, part; RRS § 9433, part.]
- 35.55.030 Source—[1909 c 147 § 2, part; RRS § 9433, part.]
- 35.55.040 Source—[1909 c 147 § 3; RRS § 9434.]  
 “consistent” to “inconsistent” at the end of the first paragraph. The 1909 printed bill and session law, RRS, Pierce and RCW all use “consistent” but it does not make sense. See parallel construction in the following chapter (RCW 35.56.050) wherein the 1913 session law uses “inconsistent”.
- 35.55.050 Source—[1909 c 147 § 4; RRS § 9435.]
- 35.55.060 Source—[1917 c 63 § 2; 1909 c 147 § 5; RRS § 9436.]
- 35.55.070 Source—[1909 c 147 § 6; RRS § 9437.]
- 35.55.080 Source—[1909 c 147 § 7; RRS § 9438.]
- 35.55.090 Source—[1909 c 147 § 8; RRS § 9439.]
- 35.55.100 Source—[1909 c 147 § 12, part; RRS § 9443, part.]
- 35.55.110 Source—[(i) 1909 c 147 § 12, part; RRS § 9443, part. (ii) 1909 c 147 § 9; RRS § 9440.]
- 35.55.120 Source—[1909 c 147 § 10, part; RRS § 9441, part.]
- 35.55.130 Source—[1909 c 147 § 10, part; RRS § 9441, part.]  
 Section updated to take into account council manager and commission forms of government.
- 35.55.140 Source—[1909 c 147 § 11; RRS § 9442.]
- 35.55.150 Source—[1909 c 147 § 15; RRS § 9446.]
- 35.55.160 Source—[1909 c 147 § 13; RRS § 9444.]
- 35.55.170 Source—[1909 c 147 § 14; RRS § 9445.]
- 35.55.180 Source—[1909 c 147 § 16; RRS § 9447.]
- 35.55.190 Source—[1909 c 147 § 17; RRS § 9448.]

#### Chapter 35.56 Local Improvements—Filling and Draining Lowlands— Waterways

- 35.56.010 Source—[1929 c 63 § 1; 1913 c 16 § 1; RRS § 9449.]
- 35.56.020 Source—[1913 c 16 § 2, part; RRS § 9450, part.]
- 35.56.030 Source—[1913 c 16 § 2, part; RRS § 9450, part.]
- 35.56.040 Source—[1913 c 16 § 2, part; RRS § 9450, part.]
- 35.56.050 Source—[(i) 1913 c 16 § 3; RRS § 9451. (ii) 1929 c 63 § 4; 1913 c 16 § 21; RRS § 9469.]
- 35.56.060 Source—[1913 c 16 § 4; RRS § 9452.]
- 35.56.070 Source—[1913 c 16 § 5; RRS § 9453.]
- 35.56.080 Source—[1913 c 16 § 6; RRS § 9454.]
- 35.56.090 Source—[1913 c 16 § 7; RRS § 9455.]
- 35.56.100 Source—[1929 c 63 § 2; 1913 c 16 § 8; RRS § 9456.]
- 35.56.110 Source—[1929 c 63 § 3; 1913 c 16 § 12; RRS § 9460.]
- 35.56.120 Source—[1913 c 16 § 9; RRS § 9457.]
- 35.56.130 Source—[1913 c 16 § 10, part; RRS § 9458, part.]
- 35.56.140 Source—[1913 c 16 § 10, part; RRS § 9458, part.]
- 35.56.150 Source—[1913 c 16 § 11; RRS § 9459.]

Explanatory  
note.

- 35.56.160 Source—[1913 c 16 § 15; RRS § 9463.]
- 35.56.170 Source—[1913 c 16 § 13; RRS § 9461.]
- 35.56.180 Source—[1913 c 16 § 14; RRS § 9462.]
- 35.56.190 Source—[1913 c 16 § 19; RRS § 9467.]
- 35.56.200 Source—[1913 c 16 § 17, part; RRS § 9465, part.]
- 35.56.210 Source—[1913 c 16 § 17, part; RRS § 9465, part.]
- 35.56.220 Source—[1913 c 16 § 17, part; RRS § 9465, part.]
- 35.56.230 Source—[1913 c 16 § 17, part; RRS § 9465, part.]
- 35.56.240 Source—[1913 c 16 § 18, part; RRS § 9466, part.]
- 35.56.250 Source—[1913 c 16 § 18, part; RRS § 9466, part.]
- 35.56.260 Source—[1913 c 16 § 18, part; RRS § 9466, part.]
- 35.56.270 Source—[1913 c 16 § 20; RRS § 9468.]
- 35.56.280 Source—[1913 c 16 § 16; RRS § 9464.]
- 35.56.290 Source—[1929 c 63 § 5; 1913 c 16 § 22; RRS § 9470.]

Chapter 35.58 Metropolitan Municipal Corporations

- 35.58.010 Source—[1957 c 213 § 1.]
- 35.58.020 Source—[1957 c 213 § 2.]
- 35.58.030 Source—[1957 c 213 § 3.]
- 35.58.040 Source—[1957 c 213 § 4.]
- 35.58.050 Source—[1957 c 213 § 5.]
- 35.58.060 Source—[1957 c 213 § 6.]
- 35.58.070 Source—[1957 c 213 § 7.]
- 35.58.080 Source—[1957 c 213 § 8.]  
In last sentence "calling" to "provide for the calling" to harmonize with chapter 29.13 RCW.
- 35.58.090 Source—[1957 c 213 § 9.]
- 35.58.100 Source—[1957 c 213 § 10.]  
In next to last para. "call" to "cause to be called" to harmonize with chapter 29.13 RCW.
- 35.58.110 Source—[1957 c 213 § 11.]
- 35.58.120 Source—[1957 c 213 § 12.]
- 35.58.130 Source—[1957 c 213 § 13.]
- 35.58.140 Source—[1957 c 213 § 14.]
- 35.58.150 Source—[1957 c 213 § 15.]
- 35.58.160 Source—[1957 c 213 § 16.]
- 35.58.170 Source—[1957 c 213 § 17.]
- 35.58.180 Source—[1957 c 213 § 18.]
- 35.58.190 Source—[1957 c 213 § 19.]
- 35.58.200 Source—[1957 c 213 § 20.]
- 35.58.210 Source—[1957 c 213 § 21.]
- 35.58.220 Source—[1957 c 213 § 22.]
- 35.58.230 Source—[1957 c 213 § 23.]
- 35.58.240 Source—[1957 c 213 § 24.]
- 35.58.250 Source—[1957 c 213 § 25.]  
"public service commission" to "utilities and transportation commission" to reflect change of name under 1961 c 290.
- 35.58.260 Source—[1957 c 213 § 26.]
- 35.58.270 Source—[1957 c 213 § 27.]
- 35.58.280 Source—[1957 c 213 § 28.]
- 35.58.290 Source—[1957 c 213 § 29.]
- 35.58.300 Source—[1957 c 213 § 30.]
- 35.58.310 Source—[1957 c 213 § 31.]
- 35.58.320 Source—[1957 c 213 § 32.]
- 35.58.330 Source—[1957 c 213 § 33.]
- 35.58.340 Source—[1957 c 213 § 34.]
- 35.58.350 Source—[1957 c 213 § 35.]
- 35.58.360 Source—[1957 c 213 § 36.]
- 35.58.370 Source—[1957 c 213 § 37.]
- 35.58.380 Source—[1957 c 213 § 38.]
- 35.58.390 Source—[1957 c 213 § 39.]
- 35.58.400 Source—[1957 c 213 § 40.]

- 35.58.410 Source—[1957 c 213 § 41.] Explanatory  
 35.58.420 Source—[1957 c 213 § 42.] note.  
 35.58.430 Source—[1957 c 213 § 43.]  
 35.58.440 Source—[1957 c 213 § 44.]  
 35.58.450 Source—[1957 c 213 § 45.]  
 35.58.460 Source—[1957 c 213 § 46.]  
 35.58.470 Source—[1957 c 213 § 47.]  
 35.58.480 Source—[1957 c 213 § 48.]  
 35.58.490 Source—[1957 c 213 § 49.]  
 35.58.500 Source—[1957 c 213 § 50.]  
 35.58.510 Source—[1957 c 213 § 51.]  
 35.58.520 Source—[1957 c 213 § 52.]  
 35.58.530 Source—[1957 c 213 § 53.]  
 35.58.540 Source—[1957 c 213 § 54.]  
 In last sentence "calling" to "causing to be called" to harmonize with chapter 29.13 RCW.  
 35.58.550 Source—[1957 c 213 § 55.]  
 35.58.900 Source—[1957 c 213 § 56.]  
 35.58.910 Source—[1957 c 213 § 57.]  
 Severability, omitted in view of 35.98.030.

**Chapter 35.60 World Fairs or Expositions—Participation by Municipalities**

- 35.60.010 Source—[1961 c 149 § 1. Prior: 1961 c 39 § 1.]  
 35.60.020 Source—[1961 c 149 § 2. Prior: 1961 c 39 § 2.]  
 35.60.030 Source—[1961 c 149 § 3. Prior: 1961 c 39 § 3.]  
 35.60.040 Source—[1961 c 149 § 4. Prior: 1961 c 39 § 4.]  
 35.60.050 Source—[1961 c 149 § 5. Prior: 1961 c 39 § 5.]  
 35.60.060 Source—[1961 c 149 § 6. Prior: 1961 c 39 § 6.]  
 35.60.070 Source—[1961 c 149 § 7. Prior: 1961 c 39 § 7.]  
 35.60.900 Source—[1961 c 149 § 9. Prior: 1961 c 39 § 9.]  
 Severability, omitted in view of 35.98.030.

**Chapter 35.61 Metropolitan Park Districts**

- 35.61.010 Source—[1959 c 45 § 1; 1943 c 264 § 1; Rem. Supp. 1943 § 6741-1. Prior: 1907 c 98 § 1; RRS § 6720.]  
 35.61.020 Source—[1943 c 264 § 2, part; Rem. Supp. 1943 § 6741-2, part. Prior: 1909 c 131 § 1; 1907 c 98 § 2, part; RRS § 6721, part.]  
 35.61.030 Source—[1943 c 264 § 2, part; Rem. Supp. 1943 § 6741-2, part. Prior: 1909 c 131 § 1; 1907 c 98 § 2, part; RRS § 6721, part.]  
 35.61.040 Source—[1943 c 264 § 3, part; Rem. Supp. 1943 § 6741-3, part. Prior: 1909 c 131 § 2; 1907 c 98 § 3, part; RRS § 6722, part.]  
 35.61.050 Source—[1943 c 264 § 3, part; Rem. Supp. 1943 § 6741-3, part. Prior: 1909 c 131 § 2; 1907 c 98 § 3, part; RRS § 6722, part.]  
 Triennial elections having been abolished (RCW 29.13.021, 29.13.022) this section probably requires substantive revision in this regard.  
 35.61.060 Source—[1943 c 264 § 3, part; Rem. Supp. 1943 § 6741-3, part. Prior: 1909 c 131 § 2; 1907 c 98 § 3, part; RRS § 6722, part.]  
 35.61.070 Source—[1943 c 264 § 3, part; Rem. Supp. 1943 § 6741-3, part. Prior: 1909 c 131 § 2; 1907 c 98 § 3, part; RRS § 6722, part.]  
 35.61.080 Source—[1943 c 264 § 3, part; Rem. Supp. 1943 § 6741-3, part. Prior: 1909 c 131 § 2; 1907 c 98 § 3, part; RRS § 6722, part.]  
 35.61.090 Source—[1943 c 264 § 3, part; Rem. Supp. 1943 § 6741-3, part. Prior: 1909 c 131 § 2; 1907 c 98 § 3, part; RRS § 6722, part.]  
 35.61.100 Source—[1943 c 264 § 6; Rem. Supp. 1943 § 6741-6. Prior: 1927 c 268 § 1; 1907 c 98 § 6; RRS § 6725.]  
 35.61.110 Source—[1943 c 264 § 7; Rem. Supp. 1943 § 6741-7. Prior: 1907 c 98 § 7; RRS § 6726.]  
 35.61.120 Source—[1943 c 264 § 4, part; Rem. Supp. 1943 § 6741-4, part. Prior: 1919 c 135 § 1, part; 1907 c 98 § 4; RRS § 6723, part.]

**Explanatory note.**

- 35.61.130 Source—[(i) 1943 c 264 § 4, part; Rem. Supp. 1943 § 6741-4, part. Prior: 1919 c 135 § 1, part; 1907 c 98 § 4; RRS § 6723, part. (ii) 1943 c 264 § 14; Rem. Supp. 1943 § 6741-14. Prior: 1919 c 135 § 2; 1907 c 98 § 14; RRS § 6733.]
  - 35.61.132 Source—[1959 c 93 § 1.]
  - 35.61.133 Reviser's cross-reference section.
  - 35.61.140 Source—[1943 c 264 § 4, part; Rem. Supp. 1943 § 6741-4, part. Prior: 1919 c 135 § 1, part; 1907 c 98 § 4; RRS § 6723, part.]
  - 35.61.150 Source—[1943 c 264 § 3, part; Rem. Supp. 1943 § 6741-3, part. Prior: 1909 c 131 § 2; 1907 c 98 § 3, part; RRS § 6722, part.]
  - 35.61.160 Source—[1943 c 264 § 8; Rem. Supp. 1943 § 6741-8. Prior: 1907 c 98 § 8; RRS § 6727.]
  - 35.61.170 Source—[1943 c 264 § 9; Rem. Supp. 1943 § 6741-9. Prior: 1909 c 131 § 3; 1907 c 98 § 9; RRS § 6728. (ii) 1943 c 264 § 10, part; Rem. Supp. 1943 § 6741-10, part. Prior: 1909 c 131 § 4, part; 1907 c 98 § 10; RRS § 6729, part.]
  - 35.61.180 Source—[1943 c 264 § 13; Rem. Supp. 1943 § 6741-13. Prior: 1907 c 98 § 13; RRS § 6732.]
  - 35.61.190 Source—[1943 c 264 § 11; Rem. Supp. 1943 § 6741-11. Prior: 1907 c 98 § 11; RRS § 6730.]
  - 35.61.200 Source—[1943 c 264 § 12; Rem. Supp. 1943 § 6741-12. Prior: 1907 c 98 § 12; RRS § 6731.]
  - 35.61.210 Source—[1951 c 179 § 1. Prior: (i) 1943 c 264 § 10, part; Rem. Supp. 1943 § 6741-10, part; prior: 1909 c 131 § 4; 1907 c 98 § 10; RRS § 6729. (ii) 1947 c 117 § 1; 1943 c 264 § 5; Rem. Supp. 1947 § 6741-5; prior: 1925 ex.s. c 97 § 1; 1907 c 98 § 5; RRS § 6724.]
  - 35.61.220 Source—[1943 c 264 § 15; Rem. Supp. 1943 § 6741-15. Prior: 1909 c 131 § 5; 1907 c 98 § 15; RRS § 6734.]
  - 35.61.230 Source—[1943 c 264 § 16; Rem. Supp. 1943 § 6741-16. Prior: 1907 c 98 § 17; RRS § 6736.]
  - 35.61.240 Source—[1943 c 264 § 17; Rem. Supp. 1943 § 6741-17. Prior: 1907 c 98 § 18; RRS § 6737.]
  - 35.61.250 Source—[1943 c 264 § 20, part; Rem. Supp. 1943 § 6741-20, part. Prior: 1907 c 98 § 20, part; RRS § 6739, part.]
  - 35.61.260 Source—[1943 c 264 § 20, part; Rem. Supp. 1943 § 6741-20, part. Prior: 1907 c 98 § 20, part; RRS § 6739, part.]
  - 35.61.270 Source—[1943 c 264 § 20, part; Rem. Supp. 1943 § 6741-20, part. Prior: 1907 c 98 § 20, part; RRS § 6739, part.]
  - Revised to conform to the general election laws, Title 29 RCW.
  - 35.61.280 Source—[(i) 1943 c 264 § 20, part; Rem. Supp. 1943 § 6741-20, part. Prior: 1907 c 98 § 20, part; RRS § 6739, part. (ii) 1943 c 264 § 21; Rem. Supp. 1943 § 6741-21. Prior: 1907 c 98 § 21; RRS § 6740.]
  - Revised to conform to the general election laws, Title 29 RCW.
  - 35.61.290 Source—[1953 c 194 § 1. Formerly: (i) 1943 c 264 § 18; Rem. Supp. 1943 § 6741-18. Prior: 1907 c 98 § 16; RRS § 6735. (ii) 1943 c 264 § 19; Rem. Supp. 1943 § 6741-19. Prior: 1907 c 98 § 19; RRS § 6738.]
  - 35.61.300 Source—[1943 c 264 § 22; Rem. Supp. 1943 § 6741-22. Prior: 1907 c 98 § 22; RRS § 6741.]
  - 35.61.310 Source—[1953 c 269 § 1.]
  - 35.61.315 Reviser's cross-reference section.
  - 35.61.320 Source—[1959 c 45 § 2.]
  - 35.61.330 Source—[1959 c 45 § 3.]
  - 35.61.340 Source—[1959 c 45 § 4.]
- Chapter 35.62 Name—Change of**
- 35.62.010 Source—[1925 ex.s. c 146 § 1; RRS § 8891-1.]
  - 35.62.020 Source—[1925 ex.s. c 146 § 2; RRS § 8891-2.]
  - 35.62.030 Source—[1925 ex.s. c 146 § 3; RRS § 8891-3.]
  - 35.62.040 Source—[1925 ex.s. c 146 § 4; RRS § 8891-4.]
  - 35.62.050 Source—[1925 ex.s. c 146 § 5; RRS § 8891-5.]
  - 35.62.060 Source—[1925 ex.s. c 146 § 6; RRS § 8891-6.]

## Chapter 35.63 Planning Commissions

Explanatory  
note.

- 35.63.010 Source—[1935 c 44 § 1; RRS § 9322-1.]  
 (1) Definition of "regional commission" deleted as not in session law.  
 (2) The last paragraph of this RCW section provides that "State council" means the division of progress and industry development."  
 It is pertinent only with respect to RCW 35.63.060 which directs planning commissions to "(4) Cooperate with other commissions, with the state council and with other public agencies of the municipality, state and United States in such planning, conservation, and development; and (5) In particular cooperate with and aid the state council within its territorial limits in the preparation of the state master plan and in advance planning of public works programs."
- The state council referred to in RCW 35.63.060 was the state planning council created by 1933 ex.s. c 54. This was abolished by 1945 c 173 and its powers and duties devolved upon the newly created Division of Progress and Industry Development of the Department of Conservation; such division was in turn abolished by 1957 c 215 creating the department of commerce and economic development by the terms of which act some of the master plan function apparently went to commerce and some apparently remain with the department of conservation even though the division of progress and industry was abolished. Since the devolution at this point is not crystal clear the definition appearing in 35.63.010 is herein deleted and 35.63.060(4) is revised by deleting "with the state council" and 35.63.060(5) is revised by substituting the word "state" for "state council".
- 35.63.020 Source—[(i) 1935 c 44 § 2, part; RRS § 9322-2, part. (ii) 1935 c 44 § 12; RRS § 9322-12.]  
 "a majority of" restored.
- 35.63.030 Source—[1935 c 44 § 2, part; RRS § 9322-2, part.]
- 35.63.040 Source—[1935 c 44 § 3; RRS § 9322-3.]  
 "proceedings which" restored to "meetings, resolutions, transactions, findings and determinations which record".
- 35.63.050 Source—[1935 c 44 § 4; RRS § 9322-4.]  
 "authorized and established under this chapter" restored.
- 35.63.060 Source—[1935 c 44 § 10; RRS § 9322-10.]  
 See notes for 35.63.010.  
 "provided for in RCW 43.21.190" restored.
- 35.63.070 Source—[1957 c 130 § 1; 1935 c 44 § 11; RRS § 9322-11.]
- 35.63.080 Source—[1935 c 44 § 5; RRS § 9322-5.]  
 "ordinance or resolution" restored to "general ordinances of the city or general resolution of the board,".
- 35.63.090 Source—[1935 c 44 § 7; RRS § 9322-7.]
- 35.63.100 Source—[1935 c 44 § 8; RRS § 9322-8.]
- 35.63.110 Source—[1935 c 44 § 6; RRS § 9322-6.]
- 35.63.120 Source—[1957 c 194 § 1; 1935 c 44 § 9; RRS § 9322-9.]

## Chapter 35.66 Police Matrons

- 35.66.010 Source—[1893 c 15 § 1; RRS § 9282.]
- 35.66.020 Source—[1939 c 115 § 1; 1893 c 15 § 4; RRS § 9285.]  
 [SLC-RO-4]
- 35.66.030 Source—[1893 c 15 § 2; RRS § 9283.]
- 35.66.040 Source—[1893 c 15 § 6; RRS § 9287.]
- 35.66.050 Source—[1893 c 15 § 3; RRS § 9284.]

Explanatory  
note.

- Chapter 35.67 Sewerage Systems—Refuse Collection and Disposal**
- 35.67.010 Source—[1955 c 266 § 2. Prior: 1941 c 193 § 1, part; Rem. Supp. 1941 § 9354-4, part.]
- 35.67.020 Source—[1959 c 90 § 1; 1955 c 266 § 3. Prior: 1941 c 193 § 1, part; Rem. Supp. 1941 § 9354-4, part.]
- 35.67.030 Source—[1941 c 193 § 2; Rem. Supp. 1941 § 9354-5.]  
Session law section restored.
- 35.67.040 Source—[1941 c 193 § 2, part; Rem. Supp. 1941 § 9354-5, part.]  
Decodified, text restored in 35.67.030.
- 35.67.050 Source—[1941 c 193 § 2, part; Rem. Supp. 1941 § 9354-5, part.]  
Decodified, text restored in 35.67.030.
- 35.67.060 Source—[1941 c 193 § 2, part; Rem. Supp. 1941 § 9354-5, part.]  
Decodified, text restored in 35.67.030.
- 35.67.070 Source—[1941 c 193 § 3, part; Rem. Supp. 1941 § 9354-6, part.]
- 35.67.080 Source—[1941 c 193 § 3, part; Rem. Supp. 1941 § 9354-6, part.]
- 35.67.090 Source—[1941 c 193 § 3, part; Rem. Supp. 1941 § 9354-6, part.]
- 35.67.100 Source—[1941 c 193 § 3, part; Rem. Supp. 1941 § 9354-6, part.]
- 35.67.110 Source—[1941 c 193 § 3, part; Rem. Supp. 1941 § 9354-6, part.]  
“city or town council” to “city or town legislative body”.
- 35.67.120 Source—[1941 c 193 § 4, part; Rem. Supp. 1941 § 9354-7, part.]  
“city or town council” to “city or town legislative body”.
- 35.67.130 Source—[1941 c 193 § 4, part; Rem. Supp. 1941 § 9354-7, part.]  
“city or town council” to “city or town legislative body”.
- 35.67.140 Source—[1941 c 193 § 4, part; Rem. Supp. 1941 § 9354-7, part.]
- 35.67.150 Source—[1941 c 193 § 4, part; Rem. Supp. 1941 § 9354-7, part.]  
“engraved or lithographed” restored.
- 35.67.160 Source—[1941 c 193 § 4, part; Rem. Supp. 1941 § 9354-7, part.]
- 35.67.170 Source—[1941 c 193 § 4, part; Rem. Supp. 1941 § 9354-7, part.]  
“city or town council” to “city or town legislative body”.
- 35.67.180 Source—[1941 c 193 § 4, part; Rem. Supp. 1941 § 9354-7, part.]
- 35.67.190 Source—[1959 c 90 § 2; 1941 c 193 § 5; Rem. Supp. 1941 § 9354-8.]
- 35.67.192 Source—[1955 c 266 § 4.]
- 35.67.194 Source—[1955 c 266 § 5.]  
“(prior to June 8, 1955)” added to preserve time sequence.
- 35.67.200 Source—[1959 c 90 § 4. Prior: 1941 c 193 § 6, part; Rem. Supp. 1941 § 9354-9, part.]
- 35.67.210 Source—[1959 c 90 § 5. Prior: 1941 c 193 § 6, part; Rem. Supp. 1941 § 9354-9, part.]
- 35.67.220 Source—[1941 c 193 § 7, part; Rem. Supp. 1941 § 9354-10, part.]
- 35.67.230 Source—[1941 c 193 § 7, part; Rem. Supp. 1941 § 9354-10, part.]
- 35.67.240 Source—[1941 c 193 § 7, part; Rem. Supp. 1941 § 9354-10, part.]  
“except as herein otherwise prescribed” restored.
- 35.67.250 Source—[1941 c 193 § 7, part; Rem. Supp. 1941 § 9354-10, part.]
- 35.67.260 Source—[1941 c 193 § 7, part; Rem. Supp. 1941 § 9354-10, part.]
- 35.67.270 Source—[1941 c 193 § 8; Rem. Supp. 1941 § 9354-11.]  
(1) “city or town council” to “city or town legislative body”.  
(2) “any provision of law, charter or ordinance to the contrary notwithstanding” restored.
- 35.67.280 Source—[1941 c 193 § 9; Rem. Supp. 1941 § 9354-12.]  
“city or town council” to “city or town legislative body”.
- 35.67.290 Source—[1941 c 193 § 10; Rem. Supp. 1941 § 9354-13.]
- 35.67.300 Source—[1947 c 212 § 3; 1941 c 193 § 11; Rem. Supp. 1947 § 9354-14.]
- 35.67.310 Source—[1941 c 75 § 1; Rem. Supp. 1941 § 9354-19.]
- 35.67.320 Source—[1941 c 193 § 12, part; Rem. Supp. 1941 § 9354-15, part.]  
“city or town council” to “city or town legislative body”.  
“will be abated” restored to “may be abated”.
- 35.67.330 Source—[1941 c 193 § 12, part; Rem. Supp. 1941 § 9354-15, part.]  
Session law language restored except for necessary translation of references.
- 35.67.340 Source—[1941 c 193 § 12, part; Rem. Supp. 1941 § 9354-15, part.]
- 35.67.350 Source—[1943 c 100 § 1; Rem. Supp. 1943 § 9354-20.]

**Chapter 35.68 Sidewalks, Gutters, Curbs, and Driveways—  
All Cities and Towns**

**Explanatory  
note.**

- 35.68.010 Source—[1949 c 177 § 1; Rem. Supp. 1949 § 9332a.]  
 35.68.020 Source—[1949 c 177 § 2; Rem. Supp. 1949 § 9332b.]  
 35.68.030 Source—[1949 c 177 § 3; Rem. Supp. 1949 § 9332c.]  
 35.68.040 Source—[1949 c 177 § 4; Rem. Supp. 1949 § 9332d.]  
 35.68.050 Source—[1949 c 177 § 5; Rem. Supp. 1949 § 9332e.]  
 35.68.060 Source—[1949 c 177 § 6; Rem. Supp. 1949 § 9332f.]  
 35.68.070 Source—[1949 c 177 § 7; Rem. Supp. 1949 § 9332g.]  
 35.68.080 Source—[1949 c 177 § 8; Rem. Supp. 1949 § 9332h.]

**Chapter 35.69 Sidewalks—Construction, Reconstruction  
In First, Second and Third Class Cities**

- 35.69.010 Source—[1927 c 203 § 1; RRS § 9332-1.]  
 35.69.020 Source—[1927 c 203 § 2; RRS § 9332-2.]  
 35.69.030 Source—[1927 c 203 § 3; RRS § 9332-3.]  
 35.69.040 Source—[1927 c 203 § 4; RRS § 9332-4.]  
 35.69.050 Source—[1927 c 203 § 5; RRS § 9332-5.]

**Chapter 35.70 Sidewalks—Construction In Third Class Cities and Towns**

- 35.70.010 Source—[1915 c 149 § 7; RRS § 9161.]  
 Section restored to session law language.  
 35.70.020 Source—[1915 c 149 § 1; RRS § 9155.]  
 35.70.030 Source—[1915 c 149 § 2, part; RRS § 9156, part.]  
 35.70.040 Source—[1915 c 149 § 2, part; RRS § 9156, part.]  
 35.70.050 Source—[1915 c 149 § 3; RRS § 9157.]  
 35.70.060 Source—[1915 c 149 § 4; RRS § 9158.]  
 35.70.070 Source—[1915 c 149 § 5, part; RRS § 9159, part.]  
 35.70.080 Source—[(i) 1915 c 149 § 5, part; RRS § 9159, part. (ii) 1915 c  
 149 § 6, part; RRS § 9160, part.]  
 35.70.090 Source—[1915 c 149 § 6, part; RRS § 9160, part.]  
 35.70.100 Source—[1915 c 149 § 8; RRS § 9162.]

**Chapter 35.71 Pedestrian Malls**

- 35.71.010 Source—[1961 c 111 § 1.]  
 35.71.020 Source—[1961 c 111 § 2.]  
 35.71.030 Source—[1961 c 111 § 3.]  
 35.71.040 Source—[1961 c 111 § 4.]  
 35.71.050 Source—[1961 c 111 § 5.]  
 35.71.060 Source—[1961 c 111 § 6.]  
 35.71.070 Source—[1961 c 111 § 7.]  
 35.71.080 Source—[1961 c 111 § 8.]  
 35.71.090 Source—[1961 c 111 § 9.]  
 35.71.100 Source—[1961 c 111 § 10.]  
 35.71.110 Source—[1961 c 111 § 11.]  
 35.71.120 Source—[1961 c 111 § 12.]  
 35.71.130 Source—[1961 c 111 § 13.]  
 35.71.140 Source—[1961 c 111 § 14.]  
 Severability; deleted in view of 35.98.030.  
 35.71.910 Source—[1961 c 111 § 15.]

**Chapter 35.73 Street Grades—Sanitary Fills**

- 35.73.010 Source—[(i) 1907 c 243 § 1; RRS § 9426. (ii) 1907 c 243 § 4; RRS  
 § 9429.]  
 35.73.020 Source—[1907 c 243 § 2, part; RRS § 9427, part.]  
 35.73.030 Source—[1907 c 243 § 2, part; RRS § 9427, part.]  
 35.73.040 Source—[1907 c 243 § 3, part; RRS § 9428, part.]  
 35.73.050 Source—[1907 c 243 § 3, part; RRS § 9428, part.]  
 35.73.060 Source—[1915 c 87 § 1, part; 1907 c 243 § 5, part; RRS § 9430,  
 part.]



- Explanatory note. 35.73.070 Source—[1915 c 87 § 1, part; 1907 c 243 § 5, part; RRS § 9430, part.]  
 35.73.080 Source—[1907 c 243 § 6; RRS § 9431.]

Chapter 35.74 Streets—Drawbridges

- 35.74.010 Source—[1890 p 54 § 1; RRS § 9323.]  
 35.74.020 Source—[1890 p 54 § 2, part; RRS § 9324, part.]  
 35.74.030 Source—[1890 p 54 § 2, part; RRS § 9324, part.]  
 35.74.040 Source—[1890 p 55 § 5; RRS § 9327.]  
 35.74.050 Source—[1890 p 55 § 6; RRS § 9328.]  
 “a drawbridge as a toll bridge” restored to “toll bridges”.  
 35.74.060 Source—[1890 p 55 § 3; RRS § 9325.]  
 35.74.070 Source—[1890 p 55 § 4; RRS § 9326.]

Chapter 35.75 Streets—Bicycles—Paths

- 35.75.010 Source—[(i) 1899 c 31 § 1; RRS § 9204. (ii) 1899 c 31 § 2; RRS § 9205.]  
 35.75.020 Source—[1899 c 31 § 3; RRS § 9206.]  
 35.75.030 Source—[1899 c 31 § 4; RRS § 9207.]  
 35.75.040 Source—[1899 c 31 § 5; RRS § 9208.]  
 35.75.050 Source—[1899 c 31 § 6; RRS § 9209.]

Chapter 35.76 Streets—Budget and Accounting

- 35.76.010 Source—[1963 c 115 § 1.]  
 35.76.020 Source—[1963 c 115 § 2.]  
 35.76.030 Source—[1963 c 115 § 3.]  
 35.76.040 Source—[1963 c 115 § 4.]  
 35.76.050 Source—[1963 c 115 § 5.]  
 35.76.060 Source—[1963 c 115 § 6.]

Chapter 35.77 Streets—Planning, Establishment, Construction, and Maintenance

- 35.77.010 Source—[1961 c 195 § 2.]  
 35.77.020 Source—[1961 c 245 § 1.]  
 35.77.030 Source—[1961 c 245 § 2.]  
 35.77.040 Source—[1961 c 245 § 3.]

Chapter 35.78 Streets—Classification and Design Standards

- 35.78.010 Source—[1949 c 164 § 1; Rem. Supp. 1949 § 9300-1.]  
 35.78.020 Source—[1949 c 164 § 2; Rem. Supp. 1949 § 9300-2.]  
 35.78.030 Source—[1949 c 164 § 3; Rem. Supp. 1949 § 9300-3.]  
 35.78.040 Source—[1949 c 164 § 4; Rem. Supp. 1949 § 9300-4.]

Chapter 35.79 Streets—Vacation

- 35.79.010 Source—[1957 c 156 § 2; 1901 c 84 § 1, part; RRS § 9297, part.]  
 35.79.020 Source—[1957 c 156 § 3; 1901 c 84 § 1, part; RRS § 9297, part.]  
 35.79.030 Source—[1957 c 156 § 4; 1949 c 14 § 1; 1901 c 84 § 2; Rem. Supp. 1949 § 9298.]  
 35.79.040 Source—[1901 c 84 § 3; RRS § 9299.]  
 35.79.050 Source—[1901 c 84 § 4; RRS § 9300.]

Chapter 35.80 Unit Dwellings, Buildings, and Structures

- 35.80.010 Source—[1959 c 82 § 1.]  
 35.80.020 Source—[1959 c 82 § 2.]  
 35.80.030 Source—[1959 c 82 § 3.]  
 35.80.040 Source—[1959 c 82 § 4.]  
 35.80.900 Source—[1959 c 82 § 5.]  
 Severability; Deleted in view of 35.98.030.

## Chapter 35.81 Urban Renewal Law

Explanatory  
note.

- 35.81.010 Source—[1957 c 42 § 1.]  
 35.81.020 Source—[1957 c 42 § 2.]  
 35.81.030 Source—[1957 c 42 § 3.]  
 35.81.040 Source—[1957 c 42 § 4.]  
 35.81.050 Source—[1957 c 42 § 5.]  
 35.81.060 Source—[1957 c 42 § 6.]  
 35.81.070 Source—[1957 c 42 § 7.]  
 35.81.080 Source—[1957 c 42 § 8.]  
 35.81.090 Source—[1957 c 42 § 9.]  
 35.81.100 Source—[1957 c 42 § 10.]  
 35.81.110 Source—[1957 c 42 § 11.]  
 35.81.115 Source—[1959 c 79 § 1.]  
 35.81.120 Source—[1957 c 42 § 12.]  
 35.81.130 Source—[1957 c 42 § 13.]  
 35.81.140 Source—[1957 c 42 § 14.]  
 35.81.150 Source—[1957 c 42 § 15.]  
 35.81.160 Source—[1957 c 42 § 16.]  
 35.81.170 Source—[1957 c 42 § 17.]  
 35.81.180 Source—[1957 c 42 § 18.]  
 35.81.900 Source—[1957 c 42 § 19.]  
 Severability; Deleted in view of 35.98.030.  
 35.81.910 Source—[1957 c 42 § 20.]

## Chapter 35.82 Housing Authorities Law

- 35.82.010 Source—[1939 c 23 § 2; RRS § 6889-2. Formerly RCW 74.24.010.]  
 “(1939)” added to preserve time sequence.  
 35.82.020 Source—[1939 c 23 § 3; RRS § 6889-3. Formerly RCW 74.24.020.]  
 35.82.030 Source—[1939 c 23 § 4; RRS § 6889-4. Formerly RCW 74.24.030.]  
 35.82.040 Source—[1939 c 23 § 5; RRS § 6889-5. Formerly RCW 74.24.040.]  
 35.82.050 Source—[1939 c 23 § 6; RRS § 6889-6. Formerly RCW 74.24.050.]  
 35.82.060 Source—[1939 c 23 § 7; RRS § 6889-7. Formerly RCW 74.24.060.]  
 35.82.070 Source—[1945 c 43 § 1; 1939 c 23 § 8; Rem. Supp. 1945 § 6889-8.  
 Formerly RCW 74.24.070.]  
 35.82.080 Source—[1939 c 23 § 9; RRS § 6889-9. Formerly RCW 74.24.080.]  
 35.82.090 Source—[1939 c 23 § 10; RRS § 6889-10. Formerly RCW  
 74.24.090.]  
 35.82.100 Source—[1939 c 23 § 11; RRS § 6889-11. Formerly RCW  
 74.24.100.]  
 35.82.110 Source—[1939 c 23 § 12; RRS § 6889-12. Formerly RCW  
 74.24.110.]  
 35.82.120 Source—[1939 c 23 § 13; RRS § 6889-13. Formerly RCW  
 74.24.120.]  
 35.82.130 Source—[1939 c 23 § 14; RRS § 6889-14. Formerly RCW  
 74.24.130.]  
 35.82.140 Source—[1939 c 23 § 15; RRS § 6889-15. Formerly RCW  
 74.24.140.]  
 35.82.150 Source—[1939 c 23 § 16; RRS § 6889-16. Formerly RCW  
 74.24.150.]  
 35.82.160 Source—[1939 c 23 § 17; RRS § 6889-17. Formerly RCW  
 74.24.160.]  
 35.82.170 Source—[1939 c 23 § 18; RRS § 6889-18. Formerly RCW  
 74.24.170.]  
 35.82.180 Source—[1939 c 23 § 19; RRS § 6889-19. Formerly RCW  
 74.24.180.]  
 35.82.190 Source—[1939 c 23 § 20; RRS § 6889-20. Formerly RCW  
 74.24.190.]  
 35.82.200 Source—[1939 c 23 § 21; RRS § 6889-21. Formerly RCW  
 74.24.200.]  
 35.82.210 Source—[1939 c 23 § 22; RRS § 6889-22. Formerly RCW  
 74.24.210.]

- Explanatory note.**
- 35.82.220 Source—[1939 c 23 § 23; RRS § 6889-23. Formerly RCW 74.24.220.]
  - 35.82.230 Source—[1939 c 23 § 24; RRS § 6889-24. Formerly RCW 74.24.230.]
  - 35.82.240 Source—[1941 c 69 § 1; Rem. Supp. 1941 § 6889-23a. Formerly RCW 74.24.240.]
  - 35.82.250 Source—[1941 c 69 § 2; Rem. Supp. 1941 § 6889-23b. Formerly RCW 74.24.250.]
  - 35.82.260 Source—[1941 c 69 § 3; Rem. Supp. 1941 § 6889-23c. Formerly RCW 74.24.260.]
  - 35.82.270 Source—[1941 c 69 § 4; Rem. Supp. 1941 § 6889-23d. Formerly RCW 74.24.270.]
  - 35.82.900 Source—[1939 c 23 § 1.]  
Presently footnoted at 35.82.010.
  - 35.82.910 Source—[1939 c 23 § 26.]  
Presently footnoted at 35.82.010.

**Chapter 35.83 Housing Cooperation Law**

- 35.83.005 Source—[1939 c 24 § 1; RRS § 6889-31.]
- 35.83.010 Source—[1939 c 24 § 2; RRS § 6889-32. Formerly RCW 74.28.010.]
- 35.83.020 Source—[1939 c 24 § 3; RRS § 6889-33. Formerly RCW 74.28.020.]
- 35.83.030 Source—[1939 c 24 § 4; RRS § 6889-34. Formerly RCW 74.28.030.]
- 35.83.040 Source—[1939 c 24 § 5; RRS § 6889-35. Formerly RCW 74.28.040.]
- 35.83.050 Source—[1939 c 24 § 6; RRS § 6889-36. Formerly RCW 74.28.050.]
- 35.83.060 Source—[1939 c 24 § 7; RRS § 6889-37. Formerly RCW 74.28.060.]
- 35.83.070 Source—[1939 c 24 § 8; RRS § 6889-38. Formerly RCW 74.28.070.]
- 35.83.900 Source—[1939 c 24 § 9; RRS § 6889-39.]  
Severability; Deleted in view of 35.98.030.

**Chapter 35.84 Utility and Other Services Beyond City Limits**

- 35.84.010 Source—[1933 c 51 § 1; RRS § 9209-1.]
- 35.84.020 Source—[1933 c 51 § 2; RRS § 9209-2.]
- 35.84.030 Source—[1933 c 51 § 3; RRS § 9209-3.]  
Compare RCW 35.92.054 (1953 c 97 § 1; 1951 c 272 § 1.), and RCW 35.92.310 (1957 c 287 § 4).
- 35.84.040 Source—[1941 c 96 § 1; Rem. Supp. 1941 § 9213-9.]  
The last sentence declaring the use of fire apparatus outside of the city limits to be a governmental function is probably affected by the recent Supreme Court decision to the effect that the political subdivisions of the state lost their immunity in tort cases when the state surrendered its immunity in the state tort claims act.
- 35.84.050 Source—[1941 c 96 § 2; Rem. Supp. 1941 § 9563-1.]
- 35.84.060 Source—[1919 c 138 § 1; 1917 c 59 § 1; RRS § 9213.]

**Chapter 35.85 Viaducts, Elevated Roadways, Tunnels and Subways**

- 35.85.010 Source—[1911 c 103 § 1; 1909 ex.s. c 14 § 1; RRS § 9001.]
- 35.85.020 Source—[1911 c 103 § 2; 1909 ex.s. c 14 § 2; RRS § 9002.]
- 35.85.030 Source—[1909 ex.s. c 14 § 3; RRS § 9003.]
- 35.85.040 Source—[1909 ex.s. c 14 § 4; RRS § 9004.]
- 35.85.050 Source—[1925 ex.s. c 168 § 1; RRS § 9005-1.]
- 35.85.060 Source—[1925 ex.s. c 168 § 2; RRS § 9005-2.]
- 35.85.070 Source—[1925 ex.s. c 168 § 3; RRS § 9005-3.]
- 35.85.080 Source—[(i) 1909 ex.s. c 14 § 5; RRS § 9005. (ii) 1925 ex.s. c 168 § 4; RRS § 9005-4.]

**Chapter 35.86 Off-Street Parking Facilities**

- 35.86.010 Source—[1961 c 186 § 1; 1959 c 302 § 1.]
- 35.86.020 Source—[1961 c 186 § 2; 1959 c 302 § 2.]  
Second sentence of second paragraph deleted as duplicative of first sentence and inadvertently included in the 1959 bill.

35.86.030	Source—[1961 c 186 § 3; 1959 c 302 § 3.]	Explanatory note.
35.86.040	Source—[1959 c 302 § 4.]	
35.86.050	Source—[1959 c 302 § 5.]	
35.86.060	Source—[1959 c 302 § 6.]	
35.86.070	Source—[1959 c 302 § 7.]	
35.86.080	Source—[1961 c 186 § 4.]	
35.86.900	Source—[1959 c 302 § 8.]	
35.86.910	Severability; Deleted in view of 35.98.030. Source—[1959 c 302 § 9.]	

#### Chapter 35.88 Water Pollution—Protection From

35.88.010	Source—[1907 c 227 § 1, part; 1899 c 70 § 1, part; RRS § 9473, part.]
35.88.020	Source—[1907 c 227 § 1, part; 1899 c 70 § 1, part; RRS § 9473, part.]
35.88.030	Source—[1899 c 70 § 2, part; RRS § 9474, part.]
35.88.040	Source—[1899 c 70 § 2, part; RRS § 9474, part.]
35.88.050	Source—[1899 c 70 § 3; RRS § 9475.]
35.88.060	Source—[1899 c 70 § 4; RRS § 9476.]
35.88.070	Source—[1899 c 70 § 5; RRS § 9477.]
35.88.080	Source—[(i) 1941 c 186 § 1; Rem. Supp. 1941 § 9354-1. (ii) 1941 c 186 § 3; Rem. Supp. 1941 § 9354-3.] Session law language restored.
35.88.090	Source—[1941 c 186 § 2; Rem. Supp. 1941 § 9354-2.] Session law language restored.

#### Chapter 35.89 Water Redemption Bonds

35.89.010	Source—[(i) 1929 c 85 § 1; 1923 c 52 § 1; RRS § 9154-1. (ii) 1923 c 52 § 2, part; RRS § 9154-2, part.]
35.89.020	Source—[1923 c 52 § 2, part; RRS § 9154-2, part.]
35.89.030	Source—[1923 c 52 § 3; RRS § 9154-3.]
35.89.040	Source—[1923 c 52 § 4; RRS § 9154-4.]
35.89.050	Source—[1923 c 52 § 5; RRS § 9154-5.]
35.89.060	Source—[1923 c 52 § 8; RRS § 9154-8.]
35.89.070	Source—[1923 c 52 § 6; RRS § 9154-6.]
35.89.080	Source—[1923 c 52 § 7; RRS § 9154-7.]
35.89.090	Source—[1923 c 52 § 9; RRS § 9154-9.]
35.89.100	Source—[1923 c 52 § 10; RRS § 9154-10.]

#### Chapter 35.91 Municipal Water and Sewer Facilities Act

35.91.010	Source—[1959 c 261 § 1.]
35.91.020	Source—[1959 c 261 § 2.] “the effective date of this act” to “June 10, 1959”.
35.91.030	Source—[1959 c 261 § 3.]
35.91.040	Source—[1959 c 261 § 4.]
35.91.050	Source—[1959 c 261 § 5.]

#### Chapter 35.92 Municipal Utilities

35.92.010	Source—[1959 c 90 § 6; 1957 c 209 § 2. Prior: 1951 c 252 § 1; 1947 c 214 § 1, part; 1933 c 163 § 1, part; 1931 c 53 § 1, part; 1923 c 173 § 1, part; 1913 c 45 § 1, part; 1909 c 150 § 1, part; 1899 c 128 § 1, part; 1897 c 112 § 1, part; 1893 c 8 § 1, part; 1890 p 520 § 1, part; Rem. Supp. 1947 § 9488, part. Formerly RCW 80.40.010.]
35.92.012	Source—[1955 c 358 § 2. Formerly RCW 80.40.012.]
35.92.014	Source—[1951 c 39 § 1. Formerly RCW 80.40.014.]
35.92.015	Source—[1951 c 39 § 2. Formerly RCW 80.40.015.]
35.92.020	Source—[1959 c 90 § 7; 1957 c 288 § 3; 1957 c 209 § 3. Prior: 1947 c 214 § 1, part; 1933 c 163 § 1, part; 1931 c 53 § 1, part; 1923 c 173 § 1, part; 1913 c 45 § 1, part; 1909 c 150 § 1, part; 1899 c 128 § 1, part; 1897 c 112 § 1, part; 1893 c 8 § 1, part; 1890 p 520 § 1, part; Rem. Supp. 1947 § 9488, part. Formerly RCW 80.40.020.]

- Explanatory note.**
- 35.92.025 Source—[1959 c 90 § 8. Formerly RCW 80.40.025.]
- 35.92.030 Source—[1957 c 288 § 4; 1957 c 209 § 4. Prior: 1947 c 214 § 1, part; 1933 c 163 § 1, part; 1931 c 53 § 1, part; 1923 c 173 § 1, part; 1913 c 45 § 1, part; 1909 c 150 § 1, part; 1899 c 128 § 1, part; 1897 c 112 § 1, part; 1893 c 8 § 1, part; 1890 p 520 § 1, part; Rem. Supp. 1947 § 9488, part. Formerly RCW 80.40.030.]
- 35.92.040 Source—[1957 c 288 § 5; 1957 c 209 § 5. Prior: 1947 c 214 § 1, part; 1933 c 163 § 1, part; 1931 c 56 § 1, part; 1923 c 173 § 1, part; 1913 c 45 § 1, part; 1909 c 150 § 1, part; 1899 c 128 § 1, part; 1897 c 112 § 1, part; 1893 c 8 § 1, part; 1890 p 520 § 1, part; Rem. Supp. 1947 § 9488, part. Formerly RCW 80.40.040.]
- 35.92.050 Source—[1957 c 288 § 6; 1957 c 209 § 6. Prior: 1947 c 214 § 1, part; 1933 c 163 § 1, part; 1931 c 53 § 1, part; 1923 c 173 § 1, part; 1913 c 45 § 1, part; 1909 c 150 § 1, part; 1899 c 128 § 1, part; 1897 c 112 § 1, part; 1893 c 8 § 1, part; 1890 p 520 § 1, part; Rem. Supp. 1947 § 9488, part. Formerly RCW 80.40.050.]
- 35.92.054 Source—[1953 c 97 § 1; 1951 c 272 § 1. Formerly RCW 80.40.054.] Compare RCW 35.84.030 (1933 c 51 § 3) and RCW 35.92.310 (1957 c 287 § 4).
- 35.92.060 Source—[1957 c 288 § 7; 1957 c 209 § 7. Prior: 1947 c 214 § 1, part; 1933 c 163 § 1, part; 1931 c 53 § 1, part; 1923 c 173 § 1, part; 1913 c 45 § 1, part; 1909 c 150 § 1, part; 1899 c 128 § 1, part; 1897 c 112 § 1, part; 1893 c 8 § 1, part; 1890 p 520 § 1, part; Rem. Supp. 1947 § 9488, part. Formerly RCW 80.40.060.]
- 35.92.070 Source—[1941 c 147 § 1; 1931 c 53 § 2; 1909 c 150 § 2; 1901 c 85 § 1; 1897 c 112 § 2; 1893 c 8 § 2; 1891 c 141 § 1; 1890 p 520 § 2; Rem. Supp. 1941 § 9489. Formerly RCW 80.40.070.]
- 35.92.080 Source—[1909 c 150 § 3, part; RRS § 9490, part. Formerly RCW 80.40.080.]
- 35.92.090 Source—[1909 c 150 § 3, part; RRS § 9490, part. Formerly RCW 80.40.090.] See note at 35.22.280.
- 35.92.100 Source—[1953 c 231 § 1; 1931 c 53 § 3; 1909 c 150 § 4; RRS § 9491. Formerly RCW 80.40.100.]
- 35.92.110 Source—[1935 c 81 § 1; RRS § 9492-1. Formerly RCW 80.40.110.]
- 35.92.120 Source—[1935 c 81 § 2; RRS § 9492-2. Formerly RCW 80.40.120.]
- 35.92.130 Source—[1935 c 81 § 3; RRS § 9492-3. Formerly RCW 80.40.130.]
- 35.92.140 Source—[1935 c 81 § 4, part; RRS § 9492-4, part. Formerly RCW 80.40.140.]
- 35.92.150 Source—[1935 c 81 § 4, part; RRS § 9492-4, part. Formerly RCW 80.40.150.]
- 35.92.160 Source—[1935 c 81 § 5; RRS § 9492-5. Formerly RCW 80.40.160.]
- 35.92.170 Source—[1933 ex.s. c 17 § 1; RRS § 9502-1. Cf. 1917 c 12 § 1. Formerly RCW 80.40.170.]
- 35.92.180 Source—[1933 ex.s. c 17 § 2; RRS § 9502-2. Cf. 1917 c 12 § 1. Formerly RCW 80.40.180.]
- 35.92.190 Source—[1933 ex.s. c 17 § 2A; RRS § 9502-2A. Formerly RCW 80.40.190.]
- 35.92.200 Source—[1961 c 125 § 1; 1957 c 288 § 8; 1933 ex.s. c 17 § 3; RRS § 9502-3. Cf. 1917 c 12 § 1. Formerly RCW 80.40.200.]
- 35.92.210 Source—[1933 ex.s. c 17 § 4; RRS § 9502-4. Formerly RCW 80.40.210.] Repealed by 1957 c 288 § 9.
- 35.92.220 Source—[1915 c 112 § 1; RRS § 9495. Formerly RCW 80.40.220.] "legislative authority" to "legislative body" to conform to session law.
- 35.92.230 Source—[1915 c 112 § 2; RRS § 9496. Formerly RCW 80.40.230.]
- 35.92.240 Source—[1915 c 112 § 3; RRS § 9497. Formerly RCW 80.40.240.]
- 35.92.250 Source—[1915 c 112 § 4; RRS § 9498. Formerly RCW 80.40.250.] "legislative authority" to "legislative body" to conform to session law.

- 35.92.260 Source—[1915 c 112 § 5; RRS § 9499. Formerly RCW 80.40.260.] Explanatory  
“legislative authority” to “legislative body” to conform to note.  
session law.
- 35.92.270 Source—[1957 c 114 § 1. Formerly RCW 80.40.270.]
- 35.92.275 Reviser’s cross-reference section.
- 35.92.280 Source—[1957 c 287 § 1. Formerly RCW 80.40.280.]
- 35.92.290 Source—[1957 c 287 § 2. Formerly RCW 80.40.290.]
- 35.92.300 Source—[1957 c 287 § 3. Formerly RCW 80.40.300.]  
Compare RCW 35.84.030 (1933 c 51 § 3) and RCW 35.92.054  
(1953 c 97 § 1; 1951 c 272 § 1).
- 35.92.310 Source—[1957 c 287 § 4. Formerly RCW 80.40.310.]

#### Chapter 35.93 Municipal Street Railway Bonds

As the session law sources for this chapter are special in nature, the chapter is herein decodified but the session law sources are not herein repealed.

- 35.93.010 Source—[1929 c 145 § 1; RRS § 9488-4. Formerly RCW 80.44.010.]
- 35.93.020 Source—[1939 c 47 § 1; RRS § 9488-6. Formerly RCW 80.44.020.]
- 35.93.030 Source—[1939 c 47 § 2, part; RRS § 9488-7, part. Formerly RCW  
80.44.030.]
- 35.93.040 Source—[1939 c 47 § 2, part; RRS § 9488-7, part. Formerly RCW  
80.44.040.]
- 35.93.050 Source—[1939 c 47 § 2, part; RRS § 9488-7, part. Formerly RCW  
80.44.050.]
- 35.93.060 Source—[1939 c 47 § 3; RRS § 9488-8. Formerly RCW 80.44.060.]
- 35.93.070 Source—[1939 c 47 § 4; RRS § 9488-9. Formerly RCW 80.44.070.]
- 35.93.080 Source—[1939 c 47 § 5; RRS § 9488-10. Formerly RCW 80.44.080.]
- 35.93.090 Source—[1939 c 47 § 6; RRS § 9488-11. Formerly RCW 80.44.090.]
- 35.93.100 Source—[1927 c 228 § 1; RRS § 9511-1. Formerly RCW 80.44.100.]
- 35.93.110 Source—[1927 c 228 § 2; RRS § 9511-2. Formerly RCW 80.44.110.]
- 35.93.120 Source—[1927 c 228 § 3; RRS § 9511-3. Formerly RCW 80.44.120.]

#### Chapter 35.94 Sale or Lease of Municipal Utilities

- 35.94.010 Source—[1917 c 137 § 1; RRS § 9512. Cf. 1907 c 86 §§ 1-3; 1897  
c 106 §§ 1-4. Formerly RCW 80.48.010.]
- 35.94.020 Source—[1917 c 137 § 2; RRS § 9513. Cf. 1907 c 86 §§ 1-3; 1897  
c 106 §§ 1-4. Formerly RCW 80.48.020.]
- 35.94.030 Source—[1917 c 137 § 3; RRS § 9514. Cf. 1907 c 86 §§ 1-3; 1897  
c 106 §§ 1-4. Formerly RCW 80.48.030.]