

be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of sections 3, 4, and 5 shall expire and the provisions of sections 8, 9, and 12 shall concomitantly become effective. It is the further intent of the legislature that sections 8, 9, and 12 of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then the amendatory provisions of sections 8, 9, and 12 of this bill shall be construed as amending the correlative sections of the 1969 education code, and the new or additional provisions of sections 8 and 9 shall be construed as being in pari materia with the 1969 education code.

NEW SECTION. Sec. 14. Sections 8, 9, and 12 of this act are necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on the date upon which the 1969 education code becomes effective.

NEW SECTION. Sec. 15. Section 10 of this 1969 amendatory act shall be added to Title 28 RCW unless or until the proposed education code of 1969 (HB 58) becomes effective, at which time it shall be added thereto.

Passed the Senate May 9, 1969
Passed the House May 9, 1969
Approved by the Governor May 23, 1969
Filed in office of Secretary of State May 23, 1969

CHAPTER 270
[Engrossed Senate Bill No. 371]
CITIES AND TOWNS--1st CLASS,
INCORPORATION--2nd, 3rd CLASS, TOWNS,
COMPENSATION OF OFFICERS

AN ACT Relating to cities and towns; amending section 35.03.010, chapter 7, Laws of 1965 and RCW 35.03.010; amending section 35.03.020, chapter 7, Laws of 1965 and RCW 35.03.020; amending section 35.03.030, chapter 7, Laws of 1965 and RCW 35.03.030; amending section 35.03.040, chapter 7, Laws of 1965 and RCW 35.03.040; amending section 35.03.050; chapter 7, Laws of 1965 and RCW 35.03.050; amending section 35.23.220, chapter 7, Laws

of 1965 and RCW 35.23.220; amending section 35.24.090, chapter 7, Laws of 1965 as amended by section 1, chapter 105, Laws of 1965, and RCW 35.24.090; and amending section 35.27.130, chapter 7, Laws of 1965 as amended by section 2, chapter 105, Laws of 1965 and RCW 35.27.130.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 35.03.010, chapter 7, Laws of 1965 and RCW 35.03.010 are each amended to read as follows:

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.

Sec. 2. Section 35.03.020, chapter 7, Laws of 1965 and RCW 35.03.020 are each amended to read as follows:

A petition shall first be presented under the provisions of sections 1 through 6 of this 1969 amendatory act to the (~~board of county commissioners~~) county auditor of such county, signed by at least (~~one~~) five 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, state the name of the proposed 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. 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 except that in counties in which a boundary review board exists under chapter 36.93 RCW, said petition and the certificate of sufficiency shall be

transmitted to the boundary review board. If a period of sixty days shall elapse from the filing of the said petition with the boundary review board without such board's jurisdiction having been invoked, as provided in RCW 36.93.100, the proposed incorporation shall be deemed to have been approved by the board. Upon presentation of said petition in counties in which there is no boundary review board, 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 or state 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~~) in accordance with the notice required by RCW 29.27.080 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: PROVIDED, That if the jurisdiction of the boundary review board has been invoked and it has approved the proposed incorporation or has modified it so that the statutory requirements for incorporation have still been satisfied, then the said petition shall not be referred to the board of county commissioners for action and hearing thereon as provided above. Within thirty days after the conclusion of the final hearing on the proposed incorporation before a boundary review board, that board shall

file its written decision of approval, modification, or rejection with the board of county commissioners.

Sec. 3. Section 35.03.030, chapter 7, Laws of 1965 and RCW 35.03.030 are each amended to read as follows:

If no boundary review board has jurisdiction over a proposed incorporation under sections 1 through 6 of this 1969 amendatory act or such a board's jurisdiction is not invoked within the sixty day period prescribed in RCW 36.93.100, 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 as specified in the petition for incorporation. Within ninety days after the passage of said resolution or the filing of the decision of approval or modification of the boundary review board with the board of county commissioners, 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)) in the manner required for the calling of a special election in Title 29 RCW, as now or hereafter amended, except as otherwise provided in this chapter, for the purpose of determining whether such boundaries so established shall be incorporated ((into-a-city-of-the-first-class-and-the-election)) and of electing 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)) candidates for the office of freeholder 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.

Sec. 4. Section 35.03.040, chapter 7, Laws of 1965 and RCW 35.03.040 are each amended to read as follows:

~~((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 provided a majority of those voting at the election referred to in section 3 of this 1969 amendatory act vote in favor of incorporation. 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-RGW as now or hereafter amended))~~ in the manner required for the calling of a special election in Title 29 RCW, as now or hereafter amended, except as otherwise provided in this chapter, 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 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. Candidates for council positions shall file for a numbered position as provided by RCW 29.21.017. 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. If a majority of all the votes cast on the proposed charter are not in favor of the proposed charter, no further proceeding shall be had on the petition for incorporation filed pursuant to section 2 of this 1969 amendatory act, but this shall not bar any new proceeding for such purpose.

Sec. 5. Section 35.03.050, chapter 7, Laws of 1965 and RCW 35.03.050 are each amended to read as follows:

If a majority of the votes cast ~~((at))~~ on such ~~((election))~~ charter 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 forcounty, 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 electionvotes were cast in favor of incorporation andvotes 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 theday 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 the 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 ofand 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.

NEW SECTION. Sec. 6. There is hereby added to chapter 35.03 RCW a new section to read as follows:

As used in chapter 35.03 RCW, "board of county commissioners" means the legislative body of the county.

Sec. 7. Section 35.23.220, chapter 7, Laws of 1965 and RCW 35.23.220 are each amended to read as follows:

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))~~ No officer shall 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.

Sec. 8. Section 35.24.090, chapter 7, Laws of 1965 as amended by section 1, chapter 105, Laws of 1965, and RCW 35.24.090 are each

amended to read as follows:

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 and treasurer, if elective, 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 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.

Sec. 9. Section 35.27.130, chapter 7, Laws of 1965 as amended by section 2, chapter 105, Laws of 1965 and RCW 35.27.130 are each amended to read as follows:

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 treasurer and treasurer-clerk 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.

Passed the Senate May 8, 1969

Passed the House May 3, 1969

Approved by the Governor May 23, 1969

Filed in office of Secretary of State May 23, 1969

CHAPTER 271

[Engrossed Substitute Senate Bill No. 169]
PLATTING, SUBDIVISION AND DEDICATION OF LAND

AN ACT Relating to platting, subdivision and dedication of land; amending section 2, chapter 129, Laws of 1893, as last amended by section 1, chapter 66, Laws of 1963, and RCW 58.08.040; repealing section 1, chapter 186, Laws of 1937 and RCW 58.16.010; repealing section 2, chapter 186, Laws of 1937, as amended by section 1, chapter 195, Laws of 1951, and RCW 58.16.020; repealing section 3, chapter 186, Laws of 1937 and RCW 58.16.030; repealing section 4, chapter 186, Laws of 1937, as amended by section 1, chapter 203, Laws of 1951, and RCW 58.16.040; repealing section 6, chapter 186, Laws of 1937, as amended by section 1, chapter 245, Laws of 1963, and RCW 58.16.050; repealing section 7, chapter 186, Laws of 1937, as last amended by section 1, chapter 299, Laws of 1955, and RCW 58.16.060; repealing section 8, chapter 186, Laws of 1937 and RCW 58.16.070; repealing section 9, chapter 186, Laws of 1937 and RCW 58.16.080; repealing section 10, chapter 186, Laws of 1937, as amended by section 3, chapter 195, Laws of 1951, and RCW 58.16.090; repealing section 11, chapter 186, Laws of 1937, as amended by section 1, chapter 224, Laws of 1951, and RCW 58.16.100; repealing section 5, chapter 186, Laws of 1937 and RCW 58.16.110; amending section 6, chapter 224, Laws of 1951 and RCW 58.24.040; defining crimes; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. The purpose of this act is to regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with standards established by the state to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to