

With the exception of section 4, which I have vetoed, the remainder of Senate Bill No. 3015 is approved.

CHAPTER 316

[Engrossed Second Substitute Senate Bill No. 2040]

CITY AND COUNTY JAILS ACT

AN ACT Relating to jails; amending section 35.21.330, chapter 7, Laws of 1965 and RCW 35.21.330; amending section 35.22.280, chapter 7, Laws of 1965 as last amended by section 1, chapter 16, Laws of 1971 ex. sess. and RCW 35.22.280; amending section 35.23.440, chapter 7, Laws of 1965 as amended by section 7, chapter 116, Laws of 1965 ex. sess. and RCW 35.23.440; amending section 35.24.160, chapter 7, Laws of 1965 and RCW 35.24.160; amending section 35.24.290, chapter 7, Laws of 1965 as amended by section 10, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.290; amending section 35.27.240, chapter 7, Laws of 1965 as amended by section 1, chapter 125, Laws of 1965 and RCW 35.27.240; amending section 35.27.370, chapter 7, Laws of 1965 as last amended by section 15, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.370; adding a new chapter to Title 70 RCW; repealing sections 36.63.010 through 36.63.110, chapter 4, Laws of 1963 and RCW 36.63.010 through 36.63.110; repealing section 36.63.120, chapter 4, Laws of 1963, section 1, chapter 17, Laws of 1969 and RCW 36.63.120; repealing sections 36.63.130 through 36.63.250, chapter 4, Laws of 1963 and RCW 36.63.130 through 36.63.250; repealing sections 1 through 9, chapter 81, Laws of 1974 ex. sess. and RCW 36.63A.010 through 36.63A.910; repealing sections 36.63.260 through 36.63.440, chapter 4, Laws of 1963 and RCW 36.63.260 through 36.63.440; repealing section 2214, Code of 1881 and RCW 70.20.140; repealing section 32, chapter 171, Laws of 1961, section 84, chapter 75, Laws of 1977 and RCW 72.01.420; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. It is the policy of this state that all city and county jails provide a humane and safe environment. It is the purpose of this chapter (1) to require classification of county and city jails on the basis of their purpose and their function in order to provide for (a) the setting of state-wide mandatory custodial care standards that are essential for the health, welfare, and security of persons confined in jails, (b) advisory custodial care minimum standards, and (c) physical plant minimum standards, (2) to aid the Washington state criminal justice training commission in developing and implementing personnel training and qualification standards, and (3) to provide for a determination of the role of the state and local units of government with regard to the custody of persons who are arrested for and/or convicted of violating statutes or ordinances which define crimes. The legislature also finds that in order to accomplish the purpose of this chapter it is necessary for the state to provide adequate funds to enable units of local government to fully comply with the physical plant minimum standards for detention and correctional facilities.

NEW SECTION. Sec. 2. As used in this chapter the words and phrases in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Holding facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the temporary housing of such persons during or after trial and/or sentencing, but in no instance shall the housing exceed thirty days.

(2) "Detention facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with

a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing or persons serving terms not to exceed ninety days.

(3) "Correctional facility" means a facility operated by a governing unit primarily designed, staffed, and used for the housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction, and rehabilitation following conviction of a criminal offense.

(4) "Jail" means any holding, detention, or correctional facility as defined in this section.

(5) "Health care" means preventive, diagnostic and rehabilitative services provided by licensed health care professionals and/or facilities; such care to include providing prescription drugs where indicated.

(6) "Commission" means the state jail commission created pursuant to section 3 of this 1977 amendatory act.

(7) "Substantially remodeled" means significant alterations made to the physical plant of a jail to conform with the physical plant standards.

(8) "Department" means the department of social and health services.

(9) "Secretary" means the secretary of social and health services.

(10) "Governing unit" means the city and/or county or any combinations of cities and/or counties responsible for the operation, supervision, and maintenance of a jail.

(11) "Mandatory custodial care standards" means those minimum standards, rules, or regulations that are adopted pursuant to section 5(1)(a) and section 7(1) of this 1977 amendatory act for jails to meet federal and state constitutional requirements relating to the health, safety, security, and welfare of inmates.

(12) "Advisory custodial care standards" means custodial care standards recommended by the commission which are not mandatory.

(13) "Physical plant standards" and "physical plant requirements" mean those minimum standards, rules, or regulations that are prescribed by the commission for jails that relate to structural specifications of the physical plant, including but not limited to size of cells and rooms within a jail, design of facilities, and specifications for fixtures and other equipment.

(14) "Jail inspector" means a person with at least five years in a supervisory position as a law enforcement or custodial corrections officer.

NEW SECTION. Sec. 3. A state jail commission shall be appointed by the governor to establish standards approved by the legislature for the operation of city and county jails. The commission shall be comprised of eleven members who shall be appointed by the governor and confirmed by the state senate: **PROVIDED**, That at least seven of the members shall be elected city, town, or county legislative or executive officials: **PROVIDED FURTHER**, That the secretary or the secretary's designee shall be one of the members of the commission.

At least two members of the commission shall represent minorities.

At least four members of the commission shall reside east of the crest of the Cascade Range. Any member of the commission appointed pursuant to this section as an incumbent official shall immediately, upon termination of holding said office, cease to be a member of the commission and the governor shall appoint a replacement. Vacancies shall be filled in the same manner as original appointments:

PROVIDED, That a person appointed as a replacement shall serve for only the balance of the replaced member's term unless the replacement is reappointed.

Three of the original appointments shall be for terms of one year, four of the initial appointments shall be for terms of two years, and four of the initial appointments shall be for terms of three years. Subsequent appointments shall be for a three year term.

The chairperson of the commission shall be appointed by the governor and shall serve as chairperson at the governor's pleasure. A vice-chairperson shall be elected by the commission. The commission shall meet on call of the chairperson or on request of a majority of its members, but not less than four times per year. This commission shall be terminated on June 30, 1983, unless this date is revised by the legislature.

NEW SECTION. Sec. 4. Members of the commission shall be entitled to reimbursement for travel expenses incurred in the performance of their duties pursuant to RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 5. In addition to any other powers and duties contained in this chapter, the commission shall have the powers and duties:

(1) To adopt such rules and regulations, after approval by the legislature, pursuant to chapter 34.04 RCW, as it deems necessary and consistent with the purposes and intent of this chapter on the following subjects:

(a) Mandatory custodial care standards that are essential for the health, welfare, and security of persons confined in jails: **PROVIDED**, That in adopting each rule or regulation pertaining to mandatory custodial care standards, the commission shall cite the applicable case law, statutory law or constitutional provision which requires such rule or regulation;

(b) Advisory custodial care standards;

(c) The classification and uses of holding, detention, and correctional facilities. Except for the housing of work releasees in accordance with commission rules, a person may not be held in a holding facility longer than seventy-two hours, exclusive of weekends and holidays, without being transferred to a detention or correction facility unless the court having jurisdiction over the individual authorizes a longer holding, but in no instance shall the holding exceed thirty days;

(d) The content of jail records which shall be maintained by the department of corrections or the chief law enforcement officer of the governing unit. In addition the governing unit, chief law enforcement officer, or department of corrections may require such additional records as they deem proper; and

(e) The segregation of persons and classes of persons confined in holding, detention, and correctional facilities;

(2) To investigate, develop, and encourage alternative and innovative methods in all phases of jail operation;

(3) To make comments, reports, and recommendations concerning all phases of jail operation including those not specifically described in this chapter;

(4) To hire necessary staff, acquire office space, supplies, and equipment, and make such other expenditures as may be deemed necessary to carry out its duties;

(5) The secretary shall submit minimum physical plant standards to the commission for review and promulgate proposed standards pursuant to chapter 34.04 RCW. After such promulgation, the standards shall be presented for review at a

public conference of city, town, and county legislative and executive officials and directors of departments of correction or the chief law enforcement officers of the governing units in four regional meetings, two of which shall be east of the Cascade range. Subsequent to these reviews, and utilizing the data received, the commission shall adopt minimum physical plant standards pursuant to chapter 34.04 RCW, after approval by the legislature;

(6) To cause all jails to be inspected at least annually by designated jail inspectors and to issue a certificate of compliance to each facility which is found to satisfactorily meet the requirements of this chapter and the rules, regulations, and standards adopted hereunder: **PROVIDED**, That certificates of partial compliance may be issued where applicable. The inspectors shall have access to all portions of jails, to all prisoners confined therein, and to all records maintained by said jails; and

(7) To establish advisory guidelines and model ordinances to assist governing units in establishing the agreements necessary for the joint operation of jails and for the determination of the rates of allowance for the daily costs of holding a prisoner pursuant to the provisions of section 8(6) of this 1977 amendatory act.

NEW SECTION. Sec. 6. (1) As a condition of eligibility for such financial assistance as may be provided by or through the state of Washington exclusively for the construction and/or modernization of jails, all jail construction and/or substantial remodeling projects shall be submitted by the governing unit to the commission for review. The commission shall submit the projects to the office of program planning and fiscal management, pursuant to subsection (3) of this section, if they comply with the physical plant standards adopted by the commission, pursuant to the provisions of section 5(5) of this 1977 amendatory act. Notice of rejection because of noncompliance to said standards shall be given within forty-five days after receipt by the commission of the submitted project.

(2) If the projects are approved, the department shall oversee the construction and remodeling to the extent necessary to assure compliance with the standards adopted and approved pursuant to section 5(7) of this 1977 amendatory act.

(3) The commission shall develop estimates of the costs of the capital construction grants for each biennium required under the provisions of this chapter. The estimates shall be subject to the review of the secretary and shall be submitted to the office of program planning and fiscal management consistent with the provisions of chapter 43.88 RCW.

NEW SECTION. Sec. 7. All jails shall be constructed, operated, and maintained in compliance with the provisions and intent of this chapter and the rules, regulations, and standards adopted thereunder: **PROVIDED**, That, as limited by this section, compliance with such rules, regulations, and standards shall be pursuant to the time schedules set by the commission for classes of facilities:

(1) The mandatory custodial care standards that are essential for the health, welfare, and security of persons confined, which are adopted pursuant to section 5(1)(a) of this 1977 amendatory act, shall be proposed by the commission to the legislature no later than December 31, 1978. If the legislature fails to adopt or modify such standards by April 1, 1979, they shall take effect on July 1, 1979 without legislative approval and shall be complied with no later than October 1, 1979. Subsequent standards shall be prescribed by the commission and submitted

to the Legislative Budget Committee for review. If the Legislative Budget Committee disapproves such standards, they shall not have effect;

(2) The physical plant standards which are adopted and approved pursuant to section 5(5) of this 1977 amendatory act shall not be mandatory unless, pursuant to the provisions of section 11 of this 1977 amendatory act, the state fully funds the cost of implementing such standards for detention and correctional facilities: **PROVIDED**, That, such funds shall be subject to biennial appropriation: **PROVIDED FURTHER**, That after such funds are made available, local jurisdictions shall have a period of time before such standards are mandatory that is adequate to effect any needed construction or repairs: **PROVIDED FURTHER**, That those provisions of sections 6 and 11 of this 1977 amendatory act requiring approval prior to funding and commencement of construction or remodeling shall not apply to prevent the funding of jails of governing units which have appropriated funds for substantial remodeling or construction of jails after February 16, 1974, and before the effective date of this 1977 amendatory act. Approval in such cases may be given retroactively.

NEW SECTION. Sec. 8. All jails which do not meet the appropriate mandatory custodial care standards and physical plant standards may be required to be closed, entirely or in part, until such requirements are met, pursuant to the following procedures:

(1) In the event the commission finds a jail does not comply with the appropriate mandatory custodial care and/or physical plant standards, notice shall be given to the governing unit which shall be either a notice of noncompliance, a notice of conditional compliance for the continued operation of the jail under such restrictions as the commission determines to be appropriate, or a notice of full or partial closure.

(2) Such notices shall specify the manner in which the jail does not comply with the standards. In issuing such notices consideration shall be given to the magnitude and seriousness of the deficiencies and their potential effect on the health and safety of jail inmates, the cost of correction, and other information deemed relevant by the commission.

(3) (a) If the commission issues a notice of noncompliance, it shall specify in the notice the time limits within which the standards are to be met.

(b) If the commission determines that there will be compliance with the standards provided that certain conditions or restrictions which the commission determines to be appropriate are applied, the commission may issue a notice of conditional compliance setting out the conditions and restrictions which the commission determines to be appropriate. A certificate of conditional compliance may be issued thereon.

(c) In those cases where the nature and extent of the deficiencies are such that a notice of immediate full or partial closure is deemed necessary by the commission in order to preserve the health and safety of persons in the jail, a notice of immediate full or partial closure may be issued by the commission.

(4) Within thirty days after the date of receipt of a notice of noncompliance, a notice of conditional compliance, or a notice of full or partial closure, the appropriate governing unit may request a review thereof by the commission which review

shall be heard not more than forty-five days following such request unless such period is extended not more than another forty-five days by order of the commission. All reviews conducted under this section shall be deemed to be "contested cases" within the meaning of chapter 34.04 RCW.

The commission shall hear and decide the review, and the decision of the commission may be appealed to the superior court as provided in chapter 34.04 RCW.

(5) If a notice of full or partial closure is issued and upheld, or if a notice of conditional compliance is issued and the conditions or restrictions are not complied with, or if a notice of noncompliance is issued and upheld and compliance is not satisfactorily accomplished within the time prescribed in the notice, the attorney general, upon request and on behalf of the commission, shall apply to the superior court of the county in which the jail is located for an order of closure of all or part of the jail and the court shall have authority to issue such order of closure or prescribe other appropriate relief.

(6) In the event an order of closure is issued by the superior court, all confined persons in custody in the jail or portions thereof ordered closed shall be transferred, provided sufficient space is available, to a suitable, available jail, and the transferring governing unit shall pay for the costs of board, room, program, and administration of such transferred persons, pursuant to the rate for such costs established by the governing unit accepting such confined persons. If a transferring governing unit disputes the rates established by the governing unit accepting, the commission shall set the rates.

NEW SECTION. Sec. 9. (1) A city or county primarily responsible for the operation of a jail or jails may create a department of corrections to be in charge of such jail and of all persons confined therein by law, subject to the authority of the governing unit. If such department is created, it shall have charge of jails and persons confined therein. If no such department of corrections is created, the chief law enforcement officer of the city or county primarily responsible for the operation of said jail shall have charge of the jail and of all persons confined therein. A department of corrections or the chief law enforcement officer shall operate a jail in conformance with the rules and regulations adopted by the commission and any rules, regulations, or ordinances adopted by the governing unit.

(2) Whenever any jail is operated by a governing unit which includes a combination of cities and/or counties, one such city or county shall be designated as being primarily responsible for the operation of said jail.

NEW SECTION. Sec. 10. (1) A department of corrections or chief law enforcement officer responsible for the operation of a jail shall maintain a jail register, open to the public, into which shall be entered in a timely basis:

(a) The name of each person confined in the jail with the hour, date and cause of the confinement; and

(b) The hour, date and manner of each person's discharge.

(2) The records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies as defined in RCW 43.43.705; or

(a) For use in inspections made pursuant to section 7 of this 1977 amendatory act;

(b) In jail certification proceedings;

(c) For use in court proceedings upon the written order of the court in which the proceedings are conducted; or

(d) Upon the written permission of the person.

NEW SECTION. Sec. 11. Upon obtaining approval for the substantial remodeling or construction of a jail pursuant to section 6 of this 1977 amendatory act and biennial appropriation of the legislature, a governing unit shall receive full funding from the state for the costs of the necessary new construction or improvements to or remodeling of existing detention or correctional facilities necessary to comply with the standards established pursuant to this chapter. The commission shall biennially establish for each application the level of costs necessary to comply with the physical plant standards and shall authorize payment by the state treasurer of the designated amount from the local jail improvement and construction account created in section 12 of this 1977 amendatory act to the eligible governing unit in accordance with procedures established by the commission.

NEW SECTION. Sec. 12. There is hereby established in the state treasury a fund to be known as the local jail improvement and construction account in which shall be deposited such sums as are appropriated by law for the purpose of providing funds to units of local government for new construction and the substantial remodeling of detention and correctional facilities so as to obtain compliance with the physical plant standards for such facilities. Funds in the local jail improvement and construction account shall be invested in the same manner as other funds in other accounts within the state treasury, and such earnings shall accrue to the local jail improvement and construction account. Funds in this account shall be disbursed by the state treasurer to units of local government, subject to biennial legislative appropriation, at the direction of the commission.

NEW SECTION. Sec. 13. Payment for emergency or necessary health care shall be by the governing unit, except that the department shall reimburse the governing unit for the cost thereof if the confined person requires treatment for which such person is eligible under the department's public assistance medical program.

The governing unit may obtain reimbursement from the confined person for the cost of emergency and other health care to the extent that such person is reasonably able to pay for such care, including reimbursement from any insurance program or from other medical benefit programs available to such person. To the extent that a confined person is unable to be financially responsible for medical care and is ineligible for financial assistance from the department or from a private source, the governing unit may obtain reimbursement for the cost of such services from the unit of government whose law enforcement officers initiated the charges on which the person is being held in the jail: **PROVIDED**, That reimbursement for the cost of such services shall be by the state for state prisoners being held in a jail who are accused of either escaping from a state facility or of committing an offense in a state facility.

There shall be no right of reimbursement to the governing unit from units of government whose law enforcement officers initiated the charges for which a person is being held in the jail for care provided after the charges are disposed of by sentencing or otherwise, unless by intergovernmental agreement pursuant to chapter 39.34 RCW.

This section is not intended to limit or change any existing right of any party, governing unit, or unit of government against the person receiving the care for the cost of the care provided or paid for.

Under no circumstance shall necessary medical services be denied or delayed pending a determination of financial responsibility.

NEW SECTION. Sec. 14. A person having charge of a jail shall receive and keep in such jail, when room is available, all persons confined or committed thereto by process or order issued under authority of the United States until discharged according to law, the same as if such persons had been committed under process issued under authority of the state, if provision is made by the United States for the support of such persons confined, and for any additional personnel required.

NEW SECTION. Sec. 15. (1) It is the intent of the legislature that the temporary committee that is created pursuant to subsection (2) of this section shall avoid custodial facility and program duplication between the state and units of local government, and between the various units of local government. It is also the intent of the legislature to effectuate economies of scale and effective management of and care for persons who are confined in local jails and state custodial facilities.

(2) The following persons shall constitute a temporary committee which shall hold hearings and draft a proposal which prescribes the specific role of the state and local units of government, and the nature of any custodial facilities operated by the state and local units of government, with regard to the custody of persons who are arrested for, and/or convicted of violating statutes or ordinances which define crimes:

(a) Three members of the commission who are local elected officials, and who are appointed to such committee by the chairperson of the commission;

(b) Three representatives of the department, who are appointed by the secretary; and

(c) One member of the senate and one member of the house of representatives who are appointed by the governor.

(3) This temporary committee shall present such proposals to the commission and to the legislature on or before December 15, 1978, and shall dissolve ninety days after the presentation of such proposal.

NEW SECTION. Sec. 16. Having received approval pursuant to section 6 of this 1977 amendatory act:

(1) A governing unit shall not be eligible for further funding for physical plant standards for a period of ten years from the date of the completion of the said approved project; and

(2) A jail shall not be closed for noncompliance to physical plant standards within this same ten year period.

However, this section shall not apply if there is destruction of the facility because of an act of God or the result of a negligent and/or criminal act.

NEW SECTION. Sec. 17. Sections 1 through 16 of this 1977 amendatory act shall be known and may be cited as the City and County Jails Act.

NEW SECTION. Sec. 18. Sections 1 through 15 of this 1977 amendatory act shall constitute a new chapter in Title 70 RCW.

Sec. 19. Section 35.21.330, chapter 7, Laws of 1965 and RCW 35.21.330 are each amended to read as follows:

Cities and towns may acquire, build, operate and maintain (~~(jails, workhouses, workshops, stockades and other places of detention and confinement))~~ holding, detention and correctional facilities as defined in section 2 of this 1977 amendatory act 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; PROVIDED, That such facilities comply with the provisions of sections 1 through 16 of this 1977 amendatory act and rules adopted thereto.

Sec. 20. Section 35.22.280, chapter 7, Laws of 1965 as last amended by section 1, chapter 16, Laws of 1971 ex. sess. and RCW 35.22.280 are each amended to read as follows:

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. When the language of any instrument by which any property is so acquired limits the use of said property to park purposes and contains a reservation of interest in favor of the grantor or any other person, and where it is found that the property so acquired is not needed for park purposes and that an exchange thereof for other property to be dedicated for park purposes is in the public interest, the city may, with the consent of the grantor or such other person, his heirs, successors, or assigns, exchange such property for other property to be dedicated for park purposes, and may 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, or assignee to give consent, this consent may be executed by the city and filed for record with an affidavit setting forth all efforts made to locate people entitled to give such consent together with the facts which establish that no consent by such persons is attainable. 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, but the right of the public shall be transferred and preserved with like force and effect to the property received by the city in such exchange;

(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 interests 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))~~ (19) 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))~~ (20) 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))~~ (21) 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))~~ (22) 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))~~ (23) 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))~~ (24) To regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained;

~~((26))~~ (25) 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))~~ (26) To control, regulate, or prohibit the anchorage, moorage, and landing of all watercrafts and their cargoes within the jurisdiction of the corporation;

~~((28))~~ (27) 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))~~ (28) To license, regulate, control, or restrain wharf boats, tugs, and other boats used about the harbor or within such jurisdiction;

~~((30))~~ (29) 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))~~ (30) 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))~~ (31) 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))~~ (32) 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))~~ (33) 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))~~ (34) To restrain and provide for the punishment of vagrants, mendicants, prostitutes, and other disorderly persons;

~~((36))~~ (35) 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. The punishment shall not exceed a fine of five hundred dollars or imprisonment in the city jail for six months, or both such fine and imprisonment;

~~((37))~~ (36) 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))~~ (37) To provide in their respective charters for a method to propose and adopt amendments thereto.

Sec. 21. Section 35.23.440, chapter 7, Laws of 1965 as amended by section 7, chapter 116, Laws of 1965 ex. sess. and RCW 35.23.440 are each amended to read as follows:

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 tipling 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 assemblages, 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, wash-houses, 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))~~ (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))~~ (16) Markets: To establish and regulate markets and market places.

~~((18))~~ (17) 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))~~ (18) City commons: To provide for and regulate the commons of the city.

~~((20))~~ (19) Fast driving: To regulate or prohibit fast driving or riding in any portion of the city.

~~((21))~~ (20) 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))~~ (21) 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))~~ (22) 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))~~ (23) 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))~~ (24) 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))~~ (25) House numbers: To provide for the numbering of houses.

~~((27))~~ (26) 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))~~ (27) 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))~~ (28) 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))~~ (29) Ferry licenses: To license ferries and toll bridges under the law regulating the granting of such license.

~~((31))~~ (30) 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 six 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))~~ (31) 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))~~ (32) 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))~~ (33) 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))~~ (34) Contracts: To make all appropriations, contracts or agreements for the use or benefit of the city and in the city's name.

~~((36))~~ (35) 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))~~ (36) 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))~~ (37) 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))~~ (38) Buildings and parks: To provide for all public buildings, public parks or squares, necessary or proper for the use of the city.

~~((40))~~ (39) Franchises: To permit the use of the streets for railroad or other public service purposes.

~~((41))~~ (40) 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))~~ (41) 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))~~ (42) Hospitals, etc.: To erect and establish hospitals and pesthouses and to control and regulate the same.

~~((44))~~ (43) 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))~~ (44) 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))~~ (45) 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))~~ (46) Bridges: To construct and keep in repair bridges, and to regulate the use thereof.

~~((48))~~ (47) 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))~~ (48) 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))~~ (49) 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))~~ (50) 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))~~ (51) 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))~~ (52) 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))~~ (53) 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))~~ (54) To establish streets on tidelands: To project or extend or establish streets over and across any tidelands within the limits of such city.

~~((56))~~ (55) To provide for the general welfare.

Sec. 22. Section 35.24.160, chapter 7, Laws of 1965 and RCW 35.24.160 are each amended to read as follows:

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.

Sec. 23. Section 35.24.290, chapter 7, Laws of 1965 as amended by section 10, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.290 are each amended to read as follows:

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;

(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 on every dog 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 water-front 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 five hundred dollars nor the term of such imprisonment exceed the term of six 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))~~ (14) To establish and maintain a free public library;

~~((16))~~ (15) To establish and regulate public markets and market places;

~~((17))~~ (16) 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))~~ (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 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))~~ (18) 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 watercraft; 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.

Sec. 24. Section 35.27.240, chapter 7, Laws of 1965 as amended by section 1, chapter 125, Laws of 1965 and RCW 35.27.240 are each amended to read as follows:

The department of police in a town shall be under the direction and control of the marshal subject to the direction of the mayor. 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 mayor, 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 perform such other services as the council by ordinance may require.

Sec. 25. Section 35.27.370, chapter 7, Laws of 1965 as last amended by section 15, chapter 116, Laws of 1965 ex. sess. and RCW 35.27.370 are each amended to read as follows:

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;

(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 on every dog within the limits of the town, to prohibit dogs running at large, 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 five hundred dollars, nor the term of imprisonment exceed six 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;~~

~~(+6))~~ 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;

~~((+7))~~ (16) 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.

NEW SECTION. Sec. 26. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. The following acts or parts of acts are each hereby repealed:

(1) Sections 36.63.010 through 36.63.110, chapter 4, Laws of 1963 and RCW 36.63.010 through 36.63.110;

(2) Section 36.63.120, chapter 4, Laws of 1963, section 1, chapter 17, Laws of 1969 and RCW 36.63.120;

(3) Sections 36.63.130 through 36.63.250, chapter 4, Laws of 1963 and RCW 36.63.130 through 36.63.250;

(4) Sections 1 through 9, chapter 81, Laws of 1974 ex. sess. and RCW 36.63A.010 through 36.63A.910;

(5) Sections 36.63.260 through 36.63.440, chapter 4, Laws of 1963 and RCW 36.63.260 through 36.63.440;

(6) Section 2214, Code of 1881 and RCW 70.20.140; and

(7) Section 32, chapter 171, Laws of 1961, section 84, chapter 75, Laws of 1977 and RCW 72.01.420.

NEW SECTION. Sec. 28. There is hereby appropriated the sum of fifty thousand dollars from the state general fund for the purpose of carrying out the provisions of this 1977 amendatory act.

NEW SECTION. Sec. 29. This 1977 amendatory act is 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 immediately.

Passed the Senate June 13, 1977.

Passed the House June 13, 1977.

Approved by the Governor June 23, 1977.

Filed in Office of Secretary of State June 23, 1977.

CHAPTER 317

[Engrossed Substitute Senate Bill No. 2537]

TRANSPORTATION TAXATION

AN ACT Relating to transportation taxation; amending section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 156, Laws of 1971 ex. sess. and RCW 82.36.010; amending section 1, chapter 28, Laws of 1974 ex. sess. and RCW 82.36.020; amending section 82.36.100, chapter 15, Laws of 1961 as last amended by section 3, chapter 83, Laws of 1967 ex. sess. and RCW 82.36.100; amending section 3, chapter 22, Laws of 1963 ex. sess. as amended by section 4, chapter 83, Laws of 1967 ex. sess. and RCW 82.37.030; amending section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 1, chapter 62, Laws of 1975 1st ex. sess. and RCW 82.38.030; amending section 35.77.010, chapter 7, Laws of 1965 as last amended by section 1, chapter 215, Laws of 1975 1st ex. sess. and RCW 35.77.010; amending section 46.68.090, chapter 12, Laws of 1961 as last amended by section 74, chapter 32, Laws of 1967 and RCW 46.68.090; amending section 46.68.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 51, Laws of 1977 and RCW 46.68.100; amending section 9, chapter 83, Laws of 1967 ex. sess. and RCW 46.68.150; amending section 10, chapter 83, Laws of 1967 ex. sess. as amended by section 1, chapter 253, Laws of 1975 1st ex. sess. and RCW 47.26.040; amending section 14, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.080; amending section 24, chapter 83, Laws of 1967 ex. sess. as amended by section 2, chapter 253, Laws of 1975 1st ex. sess. and RCW 47.26.180; amending section 25, chapter 83, Laws of 1967 ex. sess. as last amended by section 2, chapter 126, Laws of 1973 1st ex. sess. and RCW 47.26.190; amending section 30, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.240; amending section 33, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.270; amending section 41, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.405; amending section 45, chapter 83, Laws of 1967 ex. sess. as amended by section 4, chapter 169, Laws of 1973