

## CHAPTER 163.

[S. B. 105.]

## PUBLIC UTILITIES.

AN ACT authorizing cities and towns to construct, condemn and purchase, acquire, add to, maintain, conduct and operate certain public utilities; to purchase, acquire, add to, maintain, operate and lease motor vehicles and other agencies of transportation, and to engage in the business of transporting and carrying passengers and freight for hire thereon; and amending section 9488 of Remington's Compiled Statutes; and providing that this act shall take effect immediately.

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

SECTION 1. That section 9488 of Remington's  
Compiled Statutes, relating to public utilities in  
cities and towns, be, and the same is hereby,  
amended to read as follows:

Amends  
§ 9488, Rem.  
Comp. Stat.

Section 9488. Any incorporated city or town  
within the state be, and hereby is, authorized to  
construct, condemn and purchase, purchase, acquire,  
add to, maintain, conduct and operate waterworks,  
within or without its limits, for the purpose of fur-  
nishing such city or town and the inhabitants  
thereof, and any other persons, with an ample sup-  
ply of water for all uses and purposes, public and  
private, including water power and other power  
derived therefrom, with full power to regulate and  
control the use, distribution and price thereof; to  
construct, condemn and purchase, purchase, acquire,  
add to, maintain and operate systems of sewerage,  
and systems and plants for garbage and refuse  
collection and disposal, with full jurisdiction and  
authority to manage, regulate, operate and control  
the same, and to fix the price of service thereof,  
within and without the limits of the corporation;  
to construct, condemn and purchase, purchase, ac-  
quire, add to, maintain and operate works, plants

Authority  
of cities:

Waterworks.

Sewerage  
systems.  
Garbage.

Manufacture  
of stone.

Public  
markets.

Cold stor-  
age plants.

Gas and  
electric  
plants.

Street  
railways.

and facilities for the preparation and manufacture of all such stone or asphalt products or compositions or other materials which may be used in street construction or maintenance, together with the right to use the same, and also to fix the price of and to sell the same for use in the construction of municipal improvements of such city or town; to construct, acquire and operate public markets and one or more cold storage plants for the sale and preservation of butter, eggs, meats, fish, fruits, vegetables, and other perishable provisions; and to construct, condemn and purchase, purchase, acquire, add to, maintain and operate works, plants and facilities for the purpose of furnishing such city or town and the inhabitants thereof, and any other persons, with gas, electricity and other means of power and facilities for lighting, heating, fuel and power purposes, public and private, with full authority to regulate and control the use, distribution and price thereof, together with the right to handle and sell, or lease, any meters, lamps, motors, transformers and equipment or accessories of any and every kind, necessary and convenient for the use, distribution and sale thereof; to authorize the construction of such plant or plants by others for the same purpose, and to purchase such gas, electricity or power from either within or without the city or town for its own use and for the purpose of selling to its inhabitants and to other persons doing business within such city or town, and to regulate and control the use and price thereof; to construct, condemn and purchase, purchase, acquire, add to, maintain, operate or lease cable, electric and other railways within the limits of such city or town for the transportation of freight and passengers above, upon or underneath the ground, with full authority to regulate and control the use and operation thereof, and to fix, alter, regulate and control the

fares and rates to be charged thereon; and whenever such city or town shall own and operate a street railway, to purchase, acquire, add to, maintain, operate and lease automobiles, motor cars, motor busses, auto trucks, and any and all other forms or methods of transportation of freight or passengers, and, within the corporate limits of such city and in connection with its street railway system only, without the payment of any license fee or tax, or the filing of a bond with, or the securing of a permit from, the secretary of state, to engage in, carry on, and operate the business of transporting and carrying passengers and freight for hire by any method or combination of methods that the legislative authority of any such city or town may by ordinance provide, with full authority to regulate and control the use and operation of vehicles or other agencies of transportation used for such business, and to fix, alter, regulate and control the fares and rates to be charged therefor; and for the purposes aforesaid, it shall be lawful for any city or town in this state to take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake or water-course percolating or subterranean, or any underflowing water within the state, and, by means of aqueducts or pipe-lines, to conduct the same to said city or town; and such city or town is hereby authorized and empowered to erect and build dams or other works across or at the outlet of any lake or water-course in this state for the purpose of storing and retaining water therein up to and above high-water mark; and for all the purposes of erecting such aqueducts, pipe-lines, dams, or waterworks or other necessary structures in storing and retaining water, as above provided, or for any of the purposes provided for by this act, such city or town shall have the right to occupy and use the beds and shores up to the high-

Busses.

Transportation vehicles.

Water.

Storing or retaining of.

Water rights. water mark of any such water-course or lakes, and to acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named in this act, or necessary for any of said purposes, and any such city or town shall have the right to acquire by purchase or by condemnation and purchase any lands, properties or privileges necessary to be had to protect the water supply of such city or town from pollution: *Provided*, That should private property be necessary for any such purposes or for storing water above highwater mark, such city or town may condemn and purchase, or purchase and acquire such private property: *And provided further*, That no such dam or other structure shall impede, obstruct or in any way interfere with public navigation of such lake or water-course.

Acquiring of lands.

Condemnation.

Public navigation.

Effective immediately.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety and the support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate February 28, 1933.

Passed the House March 8, 1933.

Approved by the Governor March 18, 1933.