

## CHAPTER VII.—CITIES.

### CITIES AND TOWNS; ORGANIZATION AND GOVERNMENT OF.

AN ACT providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency.

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

#### ORGANIZATION OF MUNICIPAL CORPORATIONS.

##### CITY OR TOWN MAY INCORPORATE.

SECTION 1. Any portion of a county containing not less than three hundred inhabitants, and not incorporated as a municipal corporation, may become incorporated under the provisions of this act, and when so incorporated, shall have the powers conferred, or that may hereafter be conferred, by law upon municipal corporations of the class to which the same may belong: *Provided*, That nothing herein contained shall prevent the re-incorporation of towns and villages under the provisions of this act, whatever their population, heretofore incorporated or intended so to be, under the provision of the act approved February 2, 1888, entitled "An act for the incorporation of towns and villages in the Territory of Washington," and said re-incorporation shall be construed as a full acceptance of all the terms and conditions imposed by this act.

<sup>Towns and vil-</sup>  
<sup>lages.</sup>

##### STEPS TO BE TAKEN.

SEC. 2. A petition shall first be presented to the board of county commissioners of such county; signed by at least sixty qualified electors of the county, residents within

<sup>Petition to</sup>  
<sup>county commis-</sup>  
<sup>sioners.</sup>

the limits of such proposed corporation, which petition shall set forth and particularly describe the proposed boundaries of such corporation, and state the number of inhabitants therein as nearly as may be, and shall pray that the same may be incorporated under the provisions of this act. Such petition shall be presented at a regular or special meeting of such board, and shall be published, for at least two weeks before the time at which the same is to be presented, in some newspaper printed and published in such county, together with a notice stating the time of the meeting at which the same will be presented: *Provided*, That if the number of inhabitants contained within such proposed corporation shall be or exceed fifteen hundred, the chairman of the board of commissioners, if not in regular session, shall call a special session of the board within five days. When such petition is presented, the board of county commissioners shall hear the same, and may adjourn such hearing from time to time, not exceeding two months in all; and, on the final hearing, shall make such changes in the proposed boundaries as they may find to be proper, and shall establish and define such boundaries, and shall ascertain and determine how many inhabitants reside within such boundaries: *Provided*, That any changes made by said board of county commissioners shall not include any territory outside the boundaries described in such petition. They shall then give notice of an election to be held in such proposed corporation, for the purpose of determining whether the same shall become incorporated. Such notice shall particularly describe the boundaries so established, and shall state the name of such proposed corporation, and the number of inhabitants so ascertained to reside therein, and the same shall be published for at least two weeks prior to such election, in a newspaper printed and published within such boundaries, or posted, for the same period, in at least four public places therein. Such notice shall require the voters to cast ballots, which shall contain the words "For incorporation," or "Against incorporation," or words equivalent thereto; and also the names of persons voted for to fill the various elective municipal offices prescribed by law for municipal

Special session  
of board.

Notice of elec-  
tion.

Form of ballots.

corporations of the class to which such proposed corporation will belong.

ELECTION; HOW CONDUCTED.

SEC. 3. Such election shall be conducted in accordance with the general election laws of the state, and no person shall be entitled to vote thereat unless he shall be a qualified elector of the county, and shall have resided within the limits of such proposed corporation for at least thirty days next preceding such election. The board of county commissioners shall meet on the Monday next succeeding such election and proceed to canvass the votes cast thereat; and if, upon such canvass, it appear that a majority of the votes cast are for incorporation, the board shall, by an order entered upon their minutes, declare such territory duly incorporated as a municipal corporation of the class to which the same shall belong, under the name and style of the city (or town, as the case may be) of —— (naming it), and shall declare the persons receiving, respectively, the highest number of votes for such several offices, to be duly elected to such offices. Said board shall cause a copy of such order, duly certified, to be filed in the office of the secretary of state; and from and after the date of such filing such incorporation shall be deemed complete, and such officers shall be entitled to enter immediately upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, only until the next general municipal election to be held in such city or town, and until their successors are elected and qualified.

Qualifications  
of voters.

Duty of county  
commissionsers.

Copy of certifi-  
cate must be  
filed.

HOW INCORPORATED CITY OR TOWN MAY INCORPORATE  
UNDER THIS LAW.

SEC. 4. The city council or other legislative body of any city or town organized or incorporated prior to the passage of this act shall, upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors of such city or town, as shown by the vote cast at the last municipal election held therein, submit to the

Must be submitted to vote.

electors of such city or town at the next general or special election called for, to be held therein, the question whether such city or town shall become organized under the general laws of the state relating to municipal corporations of the class to which such city or town may belong. Notice

Notice of election.

that such question shall be so submitted shall be given by publication in a newspaper printed and published in such city or town; or if there be no newspaper printed and published therein, by printing and posting the same in at least four public places therein, including the place or places where such election is to be held. Such notice shall be so published or posted for at least two weeks prior to such election, and shall also be made a part of the general election notice. Such notice shall distinctly state the proposition to be so submitted, and shall designate the class to which such corporation belongs, and shall invite the electors thereof to vote upon such proposition by placing upon

Form of ballots.

their ballots the words "For re-organization," or "Against re-organization," or words equivalent thereto. The votes so cast shall be canvassed at the time and in the manner in which the other votes cast at such election are canvassed. If, upon such canvass, a majority of all the electors voting at such election shall be found to have voted for such re-organization, the said council or other legislative body shall, by an order entered upon their minutes, cause their clerk or other officer performing the duties of clerk, to make and transmit to the secretary of state a certified

Certified abstract to be sent to secretary of state.

abstract of such vote, which abstract shall show the whole number of electors voting at such election, the number of votes cast for re-organization and the number of votes against re-organization. Said council or other legislative

Special election for officers.

body shall immediately thereafter call a special election for the election of the officers required by law to be elected in corporations of the class to which such city or town shall belong, which election shall be held within six weeks thereafter. Such election shall be held in all respects in the manner prescribed, or that may hereafter be prescribed, by law for municipal elections in corporations of such class, and shall be canvassed by the council or other legislative body calling the same, who shall immediately declare the

result thereof, and cause the same to be entered upon their journal. From and after the date of such entry, such corporation shall be deemed to be organized under such general laws, under the name and style of the city (or town, as the case may be) of \_\_\_\_\_ (naming it), with the powers conferred, or that may hereafter be conferred, by law upon municipal corporations of the class to which the same may belong; and the officers elected at such election shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, only until the next general municipal election to be held in such city or town, and until their successors are elected and qualified.

Term of office.

#### EFFECT OF RE-INCORPORATION.

SEC. 5. Any city or town organized under the provisions of section four of this act shall, for all purposes, be deemed and taken to be in law the identical corporation theretofore incorporated and existing, and such re-organization shall in no wise affect or impair the title to any property owned or held by such corporation, or in trust therefor, or any debts, demands, liabilities or obligations existing in favor of or against such corporation, or any proceeding then pending; nor shall the same operate to repeal or affect, in any manner, any ordinance theretofore passed or adopted and remaining unrepealed, or to discharge any person from any liability, civil or criminal, then existing, for any violation of such ordinance; but such ordinances, so far as the same are not in conflict with such general laws, shall be and remain in force until repealed or amended by competent authority: *Provided*, That proceedings theretofore commenced shall, after such re-organization, be conducted in accordance with the provisions of such general laws.

Title to property.

Validity of ordinances.

SEC. 6. All towns, villages and cities heretofore incorporated by virtue of an act entitled "An act for the incorporation of towns and villages in the Territory of Washington," approved February 2, 1888, may incorporate under the provisions of this act, in the manner provided by section 4 of chapter one of this act.

Towns and villages heretofore incorporated.

SEC. 7. When so incorporated, the debts due from such town, village or city to any person, firm or corporation may be assumed and paid by the municipal authorities of such town, village or city; and all debts due to such town, village or city from any person, firm or corporation shall be deemed ratified, and may be collected in the same manner and in all respects as though such original incorporation were valid.

#### DUTY OF OUTGOING OFFICERS.

SEC. 8. As soon as the officers elected under the provisions of either section three or section four of this act shall have qualified in accordance with law, all persons, if any, then in possession of the offices of such corporation shall immediately quit and surrender up the possession of such offices, and shall deliver to the officers elected all moneys, books, papers, or other things in their official custody, and all property of such corporation in their hands, notwithstanding that the term of office for which they were respectively elected or appointed may not then have expired; and all officers, boards and persons holding any property in trust for any public use, the administration of which use is vested by such general laws in such corporation, or in any of its officers, shall, upon demand from such corporation or such officers, convey such property to such corporation or such officers, by good and sufficient deeds of conveyance, in trust for such public use.

Property and records must be conveyed.

#### BOUNDARY; HOW CHANGED.

SEC. 9. The boundaries of any municipal corporation may be altered and new territory included therein, after proceedings had as required in this section. The council or other legislative body of such corporation shall, upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors thereof, as shown by the votes cast at the last municipal election held therein, submit to the electors of such corporation, and to the electors residing in the territory proposed by such petition to be annexed to such corporation, the question whether such territory

Must be submitted to vote.

shall be annexed to such corporation and become a part thereof. Such question shall be submitted at a special election to be held for that purpose, and such legislative body shall give notice thereof, by publication in a newspaper printed and published in such corporation, and also in a newspaper printed and published outside of such corporation, and in the county in which such territory so proposed to be annexed is situated, in both cases for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, and shall designate specifically the boundaries of the territory so proposed to be annexed; and the electors shall be invited thereby to vote upon such proposition, by placing upon their ballots the words "For annexation," or "Against annexation," or words equivalent thereto. Such legislative body shall also designate the place or places at which the polls will be opened in such territory so proposed to be annexed, which place or places shall be that or those usually used for that purpose within such territory, if any such there be. Such legislative body shall also appoint and designate in such notice the names of the officers of election. Such legislative body shall meet on the Monday next succeeding the day of such election and proceed to canvass the votes cast thereat. The votes cast in such territory so proposed to be annexed shall be canvassed separately, and if it shall appear upon such canvass that a majority of all the votes cast in such territory, and a majority of all the votes cast in such corporation, shall be for annexation, such legislative body shall, by an order entered upon their minutes, cause their clerk, or other officer performing the duties of clerk, to make and transmit to the secretary of state a certified abstract of such vote, which abstract shall show the whole number of electors voting in such territory, the whole number of electors voting in such corporation, the number of votes cast in each for annexation, and the number of votes cast in each against annexation. From and after the date of the filing of such abstract such annexation shall be deemed complete, and thereafter such territory shall be and remain a part of such corporation: *Provided*, That no

Publication of notice.

Form of ballots

Duty of officers.

Liability for  
prior indebted-  
ness.

property within such territory so annexed shall ever be taxed to pay any portion of any indebtedness of such corporation contracted prior to, or existing at the date of, such annexation. If the territory so proposed to be annexed consists in whole or in part of any municipal corporation or part thereof, such territory shall not be annexed under the provisions of this section: *Provided*, That such territory does not contain a population exceeding two thousand.

#### MUNICIPAL CORPORATIONS; HOW CONSOLIDATED.

SEC. 10. Two or more contiguous municipal corporations may become consolidated into one corporation after proceedings had as required in this section. The council, or other legislative body, of either of such corporations, shall, upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors of each of such corporations, as shown by the votes cast at the last municipal election held in each of such corporations, submit to the electors of each of such corporations the question whether such corporations shall become consolidated into one corporation. Such legislative body shall designate a day upon which a special election shall be held in each of such corporations to determine whether such consolidation shall be effected, and shall give written notice thereof to the council or other legislative body of each of the other of such corporations, which notice shall designate the name of a proposed new corporation. It shall thereupon be the duty of such legislative body of each of the corporations so proposed to be consolidated to give notice of such election by publication in a newspaper, printed and published in such corporation, for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, the name of the corporations so proposed to be consolidated, the name of the proposed new corporation, and the class to which such proposed new corporation will belong, and shall invite the electors to vote upon such proposition by placing upon their ballots the words "For consolidation," or "Against consolidation," or words equivalent thereto. The legislative bodies

Special election

Publication of  
notice.

Form of ballots.



of each of such corporations shall meet in joint convention at the usual place of meeting of the legislative body of that one of the corporations having the largest population, as shown by the last state census, on the Monday next succeeding the day of such election, and proceed to canvass the votes cast thereat. The votes cast in each of such corporations shall be canvassed separately; and if it shall appear upon such canvass that a majority of the votes cast in each of such corporations shall be for consolidation, such joint convention, by an order entered upon their minutes, shall cause the clerk, or other officer performing the duties of clerk, of the legislative body at whose place of meeting such joint convention was held, to make a certified abstract of such vote; which abstract shall show the whole number of electors voting at such election in each of such corporations, the number of votes cast in each for consolidation, and the number of votes cast in each against consolidation. Such abstract shall be recorded upon the minutes of the legislative body of each of such corporations; and immediately upon the record thereof, it shall be the duty of the clerk, or other officer performing the duties of clerk, of each of such legislative bodies, to transmit to the secretary of state a certified copy of such abstract. Immediately after such filing the legislative body of that one of such corporations having the greatest population, as shown by the last state census, shall call a special election, to be held in such new corporation, for the election of the officers required by law to be elected in corporations of the class to which such new corporation shall belong; which election shall be held within six months thereafter. Such election shall be called and conducted in all respects in the manner prescribed, or that may hereafter be prescribed, by law for municipal elections in corporations of such class, and shall be canvassed by the legislative body so calling the same, who shall immediately declare the result thereof and cause the same to be entered upon their journal. From and after the date of such entry, such corporations shall be deemed to be consolidated into one corporation under the name and style of the city (or town, as the case may be) of \_\_\_\_\_

Duty of officers.

Special election for officers.

(naming it), with the powers conferred, or that may hereafter be conferred, by law upon municipal corporations of the class to which the same shall so belong, and the officers elected at such election shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, only until the next general municipal election to be held in such city or town, and until their successors are elected and qualified. All the provisions of sections five and six of this act shall apply to such corporation and to the officers thereof: *Provided*, That no property within either of the former corporations so consolidated shall ever be taxed to pay any portion of any indebtedness of either of the other of such former corporations, contracted prior to, or existing at, the date of such consolidation.

Liability for  
previous indebtedness.

#### CLASSIFICATION.

SEC. 11. Municipal corporations are divided into cities and towns; cities are divided into three classes—first, second and third.

SEC. 12. Existing corporations organized as cities of the first class shall remain such, and the classes of those which may be or may become cities of the first class shall be determined as follows: Those which on the first day of the month of January last had, and those which hereafter on the first day of the month of January in any year have, according to an official report or abstract of the then next preceding federal or state census, more than twenty thousand inhabitants, shall constitute the first class, and shall be organized and governed under the laws relating to cities authorized to frame and adopt their own charters. Those which on the first day of the month of January last had, and those which hereafter on the first day of the month of January in any year have, when ascertained in the same way, more than ten thousand and less than twenty thousand inhabitants, shall constitute the second class; and those which on the first day of the month of January last had, and those which hereafter on the first day of the month of January in any year have, when ascertained in

First class, 20,000  
or more.

Second class,  
less than 20,000.

the same way, more than fifteen hundred and less than ten thousand inhabitants, shall constitute the third class.

SEC. 13. All corporations organized under this act and containing not more than fifteen hundred nor less than three hundred inhabitants on the first day of the month of January last, shall be known as towns, and shall remain such until they become cities of the third class.

SEC. 14. A city of the second class shall not be advanced to the first class until it attains a population of twenty thousand inhabitants. A city of the third class shall not be advanced to the second class until it attains a population of ten thousand. A town shall not be advanced to a city of the third class until it attains a population of fifteen hundred inhabitants.

How advanced  
as to class.

SEC. 15. Municipal corporations now or hereafter organized are bodies politic and corporate under the name of the city of ———, or the town of ———, as the case may be, and as such may sue and be sued, contract or be contracted with, acquire, hold, possess and dispose of property, subject to the restrictions contained in other chapters of this act, having a common seal, and change or alter the same at pleasure, and exercise such other powers, and have such other privileges as are conferred by this act: *Provided*, That not more than one square mile in area shall be included within the corporate limits of municipal corporations of the fourth class, nor shall more than twenty acres of unplatted land belonging to any one person be taken within the corporate limits of municipal corporations of the fourth class without the consent of the owner of such unplatted land.

Limit of area.

#### CITIES AND TOWNS; HOW ADVANCED.

SEC. 16. When a petition signed by one hundred freeholders of a town, or two hundred freeholders of a city of the third class, is presented to the council of the corporation in which the signers reside, setting forth that they desire such town to be advanced to a city of the third class, or such city of the third class to a city of the second class, and that they have the population requisite for such advancement, the council shall cause notice to be given

by the mayor, as in other cases, that at the next annual election for officers of such city or town, the electors may vote for or against the advancement, their ballots to contain the words "For advancement," or the words "Against advancement."

Election for advancement.

SEC. 17. The clerks and judges of such election shall forthwith certify in duplicate to the clerk of the corporation the whole number of votes given at such election, the number given for such advancement, and the number against it.

SEC. 18. If a majority of the votes is in favor of the advancement, and the corporation, according to the last preceding federal or state census, had not the requisite population, the council shall forthwith cause a census to be taken by one or more suitable persons, of all the inhabitants of such city or town; in which census the full name of each person shall be plainly written, and the names alphabetically arranged and regularly numbered in one complete series; which census shall be verified before an officer authorized to administer oaths, and filed with the clerk of the corporation.

Census to be taken.

SEC. 19. The clerk shall lay the certificate of election and census before the council at its next regular meeting after the same shall have been filed in his office, and if it appear that all the votes cast for the advancement are not a majority of the votes cast at the election, or that the corporation does not contain the requisite population to be advanced, no further proceedings shall be had on that petition; but this shall not bar any new proceedings for such purpose.

SEC. 20. If a majority of votes is in favor of such advancement, and the corporation according to the state census, or the census taken by order of the council, contains the requisite number of inhabitants, the council shall thereupon, by resolution, declare that the inhabitants of the corporation have decided on such advancement, and direct the clerk to certify the resolution to the clerk of the board of county commissioners.

Duty of officers.

SEC. 21. It shall be the duty of the said board to cause a record of such action to be made, and when the clerk of

said board shall make the record he shall certify and forward to the secretary of state a transcript of the same, whereupon such corporation shall be a city of the third, second or first class, as the case may be, to be organized and governed under the provisions of this act; and when the corporation is actually organized by the election and qualification of its officers, notice of its existence as such shall be taken in all judicial proceedings. Judicial notice.

SEC. 22. The first election of officers of the new corporation shall be at the first annual municipal election after such proceedings, and the officers of the old corporation shall remain in office until the officers of the new corporation are elected and qualified; and the ordinances, by-laws and resolutions adopted by the old corporation shall, as far as consistent with the provisions of this act, continue in force until repealed by the council of the new corporation; and the council and officers of the old corporation shall, upon demand, after the expiration of their term of office, deliver to the proper officers of the new corporation all books of record, documents and papers in their possession belonging to the old corporation. Validity of ordinances.

MUNICIPAL CORPORATIONS OF THE FIRST CLASS CONTAINING A POPULATION OF MORE THAN TWENTY THOUSAND.

SEC. 23. Cities of the first class shall be organized and governed according to the law providing for the government of cities having a population of twenty thousand or more inhabitants, in accordance with section ten, article eleven (11) of the constitution of this state.

MUNICIPAL CORPORATIONS OF THE SECOND CLASS.

[Charter for cities having a population of more than ten thousand and not exceeding twenty thousand.]

GENERAL POWERS.—SECOND CLASS.

SEC. 24. Every municipal corporation of the second class shall be entitled "The city of \_\_\_\_\_" (naming it), and by such name shall have perpetual succession, may sue and be sued in all courts and places, and in all proceedings whatever; and shall have and use a common seal, and alter the same at pleasure; may purchase, receive, Must have a seal.

have, take, hold, lease, use and enjoy property of every name or description, and control and dispose of the same for the common benefit.

GENERAL PROVISIONS RELATING TO OFFICERS.—  
OFFICERS.

Officers may be  
elected.

SEC. 25. The officers of such city shall consist of a mayor, twelve councilmen, a collector who shall also be a street commissioner, an assessor, treasurer, city clerk, police judge, city attorney, chief of police, and whenever a free public library and reading room is established therein, five trustees thereof; and the council may also provide for the election, by the voters of said city or by said council, of a superintendent of irrigation, and a chief of police shall be appointed by the mayor with the advice and consent of the council. The city council may also elect a city surveyor, harbor-master, pound-keeper and city jailer, and whenever a paid fire department shall be established in such city, a chief engineer and one or more assistant engineers, and any other officer necessary to carry out the provisions of this chapter, and for whose election or appointment no provision is made, and may, by ordinance, prescribe the duties of all city officers and fix their compensation, subject to the limitations herein contained.

ELECTION UNDER THIS ACT.

Councilmen  
must be elected.

SEC. 26. On the first Tuesday after the first Monday of December of each year a municipal election shall be held, at which the qualified voters of such city shall elect a mayor and six (6) councilmen, to be voted for by the wards they may respectively represent, and each to hold office for the term of two years, and until the qualification of his successor; and also an assessor, a collector and street commissioner, city attorney, and police judge, who shall each hold office for one year and until the qualification of a successor: *Provided*, That at the first election held after the organization of such city under this act, such city shall elect twelve councilmen, who shall at the first meeting of the city council, decide by lot their terms of office; six

of said councilmen to hold for the term of two years and the others for the term of one year, and in each case until the qualification of their successors.

PROVISIONS CONCERNING ELECTIONS.

SEC. 27. All elections held under the provisions of this act shall be conducted according to the general election laws of this state.

CITY COUNCIL TO CANVASS VOTE.

SEC. 28. On the Tuesday following the election the city council shall convene and publicly canvass the result, and shall issue certificates of election to each person elected by a plurality of votes. When two or more persons have received an equal and highest number of votes for any one of the offices voted for, the city council shall thereafter, at its first regular meeting, decide by vote between the parties which shall be elected. If the city council, from any cause, fail to meet on the day named, the mayor shall call a special meeting of said council within five days thereafter, and in addition to the notice provided for calling special meetings, shall publish the same on two successive days in some newspaper published in such city. If the mayor fail to call said meeting within said five days, any four councilmen may call it. At such special meeting all elections, appointments or other business may be transacted that could have been on the day first herein named.

Duty of city council.

Publication of notices.

OFFICE; WHEN VACANT.

SEC. 29. Each officer of such city shall take the oath of office, and such as may be required to give bonds, file the same, duly approved, within ten days after receiving notice of his election or appointment; or, if no notice be received, then on or before the date fixed for the assumption by him of the duties of the office to which he may have been elected or appointed; but if any one, either elected or appointed to office, fail for ten days to qualify as required by law, or to enter upon his duties at the time fixed by law or the orders of the city council, then such

Absence with-  
out permission.

office shall become vacant; or, if any such officer shall absent himself from such city continuously for ten days, without the consent of the city council, or shall openly neglect or refuse to discharge his duties, such office may be by the city council declared vacant: *Provided*, That the penalty for absence from the city shall not apply to such officers as serve without salary or other compensation. Such officers as are elected by the voters of the city shall enter upon their duties on the second Tuesday of January next succeeding the date of their election; such officers as are elected or appointed by the city council shall enter upon their duties within ten days after receiving notice of their appointment or election.

#### UNEXPIRED TERM.

Removals.

SEC. 30. When any vacancy occurs in any elective office, except the mayor, the city council may fill the same for the unexpired term, and until the qualification of a successor. The city council, upon written charges, to be entered upon their journal, after notice to the party and after trial, by a vote of two-thirds of all the members-elect may remove any officer.

May require  
security.

SEC. 31. It shall be the duty of the city council to provide for the accountability of all officers herein provided for, by requiring from them sufficient security for the faithful performance of their duties or trust, which security shall be given by them before entering upon their respective duties. If such security shall be or become insufficient, additional security may be required, and if not given within ten days, the council by a vote of two-thirds of the members may declare the office vacant, and may thereafter fill the same.

#### COMPENSATION.

Salaries as  
board of equal-  
ization.

SEC. 32. The mayor and councilmen shall receive such salary or compensation as the city council may provide: *Provided*, That members of the city council, or a committee thereof for that purpose appointed, may receive for their services, while acting as a board of equalization, a sum to be determined by the council, not to exceed for



each one five dollars per day for each day while actually so engaged, for two weeks in each year, and no longer.

STREET COMMISSIONER.

SEC. 33. The collector and street commissioner shall receive a salary, to be fixed by the city council, which shall not exceed the sum of fifteen hundred dollars per annum.

NO ADDITIONAL COMPENSATION.

SEC. 34. The city council shall have no power to allow any extra or additional compensation to that in this chapter expressly authorized to any officer for the rendition of services that the city council have power to require the officer to perform by virtue of his office.

WARD DIVISION.

SEC. 35. In case any such city shall, at the time of its organization under this act, be divided into wards, such division shall continue, but the city council may, at any time not within three months previous to an annual city election, change the boundaries of such wards, or divide it into others, not exceeding six in number: *Provided*, That such change shall not affect the term of office of any councilman, but he shall serve out his term for the ward in which his residence may be; but if more reside in any one ward than the proportion to which it is entitled, those of the shortest unexpired term shall, by the council, be assigned for such unexpired term to a ward where there is a vacancy. The representation of each ward in the city council shall be as near as may be in proportion to its population. Terms of office.

LEGISLATIVE DEPARTMENT.—CITY COUNCIL.

SEC. 36. The mayor and councilmen of the several wards shall constitute the city council, and at its first meeting in ——— next after a city election, shall elect a city clerk, city treasurer, and one of their own body as president of the city council, and at any time when the mayor and president are both absent may elect a president *pro tem*. who shall act during such absence. They shall also at

such time designate the number of policemen for such city, to be elected as hereinafter provided.

#### MEETINGS.

Powers and duties of council.

SEC. 37. A majority of the councilmen-elect shall constitute a quorum for the transaction of business. A less number may adjourn from time to time, and they may compel the attendance of absent members. The council may punish their members for disorderly conduct, and upon written charges to be entered upon their journal for such conduct, after trial, may expel a member by a vote of two-thirds of all the members elected. The mayor shall have a vote only in case of a tie in the votes of the other members. They shall determine their rules of proceeding and the qualification of members. The sitting of the council shall be open to the public, except where the interest of the city shall require secrecy. A journal of all their proceedings shall be kept by the clerk under their direction. At any time, at the request of any two members, the ayes and noes on any question shall be taken and entered upon the journal.

#### POWERS OF COUNCIL.

Ordinances and resolutions.

SEC. 38. The city council shall have power and authority to make and pass all by-laws, ordinances, orders and resolutions not repugnant to the constitution of the United States or of the State of Washington, or the provisions of this chapter, necessary for the municipal government and the management of the affairs of the city, for the execution of the powers vested in said body corporate, and for carrying into effect the provisions of this chapter; to fix and collect a license tax on, and to regulate theatres, melodeons, balls, concerts, dances, and all theatrical, melodeon, 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, bowling alleys, exhibitions or amusements; to fix and collect a license tax on and to regulate all taverns, hotels, restaurants, saloons, bar-rooms, banks, brokers, manufactories, livery stable keepers, ex-

Licenses.

press 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 shall have an agency therein; to license and regulate auctioneers; to license, regulate, tax, prohibit or suppress all tippling houses, dram shops, saloons, bars, bar-rooms, raffles, hawkers, peddlers, pawn-brokers, refreshment or coffee stands, booths or sheds; to prohibit or suppress, or to license and regulate, all dance-houses, fandango-houses, or any exhibition or show of any animal or animals; to license and 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; and to license or suppress runners for steamboats, railroads, taverns or hotels; and to fix and collect a license tax upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: *And provided*, That in the business of selling intoxicating drinks, wines, ales and beers in less quantities than one quart, or to be drunk on the premises where sold, and on any other 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; also to prevent and restrain any riot or riotous assemblage, disturbance of the peace or disorderly conduct in any place, house or street in the city; to prevent, remove and abate nuisances at the expense of the parties creating, causing or committing or maintaining the same; to establish, maintain and regulate a common pound for estrays, and to appoint a pound-keeper, 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; to control and regulate slaughter-houses, wash-houses, laundries, tanneries,

Intoxicants.

Nuisances.

Sanitary, forges and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof; 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; to establish, alter and repair city prisons, and to provide for the regulation of the same, and for the safe keeping of persons committed thereto; to provide for the care, feeding and clothing of the city prisoners;

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; 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; to establish and regulate markets and market places; to fix and regulate the speed at which any railroad cars may run within the city limits, or any portion thereof; to provide for and regulate the commons of the city; to regulate or prohibit fast driving or riding in any portion of the city; 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; to have, purchase, hold, use and enjoy property of every name or kind whatsoever, and the same to sell, lease, transfer, mortgage, convey, control or improve; to build, erect or construct houses, buildings or structures of any kind needful for the use or purposes of such city; to establish, continue, regulate and maintain a fire department for such city, to change or re-organize 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: *Provided*, That nothing in this chapter shall be construed to authorize the said city council to disband or discontinue the fire department of any city having, at the time of its organization under this act, a volunteer fire department organized and existing, or to create, establish and maintain a paid

Property.

Fire department.

fire department therein without first submitting the proposition of establishing a paid fire department for such city to the legal voters thereof, at a general city election, for decision, and not after such election, unless thereat a majority of all the votes cast at such election are in favor thereof; and in the event that any time hereafter the volunteer fire department of such city shall be disorganized or disbanded and a paid fire department established in its stead, then every person who shall have been an active fireman for the space of two years next before the date of such disbanding and establishing shall be entitled to and shall receive an exempt fireman's certificate, and such certificate shall entitle the person to whom it is issued to all benefits and immunities accorded by the laws of this state in regard to exempt firemen; to institute and perfect any and all measures and means for the prevention and extinguishment of fires; to establish fire limits and the same to alter at pleasure; to regulate and prevent the erection of wooden or other buildings or structures of combustible materials; to regulate the construction of buildings, sheds, awnings, signs, or any structures of a dangerous or unsafe character; 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 irrigating purposes therein; to prevent the overflow of the city or to secure its drainage; to provide for the numbering of houses; to establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and 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 prohibit them within the city limits; to build, alter, improve, keep in repair and control the water front; to erect, regulate and repair wharves, and to fix the rate of wharfage and transit wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing and removing of steamboats, sail vessels, rafts, barges and all other water craft; to fix the rate of speed at which steamboats and

Water supply.

Control water front.

other steam water craft may run along the water front 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 water-courses or channels; to license steamers, boats and vessels used in any water-course in the city, and to fix and collect a license tax thereon; to license ferries and bridges under the law regulating the granting of such license; to determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of five hundred dollars or three months' imprisonment, or both; and every violation of any lawful order, regulation or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the people of the State of Washington; 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; to provide for conducting elections and establishing election precincts when necessary; 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; to make all appropriations, contracts or agreements for the use or benefit of the city and in the city's name; to provide by ordinance for the opening, laying out, altering, constructing, extending, repairing, grading, paving, planking, graveling, macadamizing or otherwise improving of public streets, avenues and other public ways, or any portion of either 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

License steamers.

Fines and penalties.

Elections.

Expense of improvements.

forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks and squares, and to enforce the observance thereof; to clear, cleanse, alter, straighten, widen, fill up or close any water-way, drain or sewer, or any water-course in such city when not declared by law to be navigable; to adopt, provide for, establish and maintain a general system of sewerage, draining, or both, and the regulation thereof, the expense thereof to be borne by general taxation upon the taxable property and the inhabitants of and in such city; to provide funds 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 with funds derived from general tax, 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 person and property, or either, for non-conformity to, or failure to comply with, the provisions of such system and regulations, or either; to provide for all public buildings, public parks or squares, necessary or proper for the use of the city; to permit the use of the streets for railroad purposes; 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; 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.

General taxation.

Public buildings and parks.

INDEBTEDNESS NOT TO EXCEED MEANS IN THE  
TREASURY.

SEC. 39. The council shall not create, audit, allow or permit to accrue, any debt or liability in excess of one and one-half per centum of the taxable property in the town, without the assent of three-fifths of the voters of

Debt limit.

such town voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for town purposes previous to the incurring of such indebtedness.

#### COUNCIL TO AUDIT DEMANDS.

**SEC. 40.** All accounts and demands that shall lawfully arise against the city shall be submitted to the council, and if found correct, shall be allowed and an order be made that the demand be paid, upon which the clerk shall draw a warrant, which shall be countersigned by the mayor or the president of the city council, upon the treasurer, in favor of the owner or owners of the demand, specifying for what purpose and by what authority it is issued, and out of what fund it is to be paid, and the treasurer shall pay the same out of the proper fund. All accounts and demands against such city, other than such as are chargeable to or payable out of the school fund, must be presented to the city council duly itemized and accompanied with an affidavit of the party or his agent, stating the same to be a true and legitimate claim against such city for the full amount for which the same is presented, and that the same accrued as set forth, and with all necessary and proper vouchers, within one year from the date the same accrued; and any claim or demand not so presented within the time aforesaid shall be forever barred, and said council shall have no authority to allow any account or demand not so presented in manner and time as aforesaid, nor shall any action be maintained against such city for or on account of any demand or claim against the same until such demand or claim shall have first been presented to the city council for action thereon.

#### LIMITATION OF EXPENDITURE.

**SEC. 41.** The annual expenses of such city shall not exceed the sum of one hundred thousand dollars: *Provided, however,* The moneys authorized to be raised and ex-



pended for the payment of the funded or bonded indebtedness of such city, as provided to be raised by the provisions of this chapter, shall not be considered a portion of such annual expense. If at any time after the sum of one hundred thousand dollars shall have been expended in any year, it shall appear that the interests of such city demand an expenditure of an additional sum, the city council shall make a report of the same, which shall be published for at least three weeks in some newspaper printed and published in such city, particularly specifying the object or objects for which said expenditure is required, and the amount of money necessary to be raised to meet the same. At any time within ten days after the expiration of said publication, the city council shall order an election, giving ten days' notice thereof, at which time those persons who are legal voters of such city may vote for or against a tax to raise such additional sum. The election shall be conducted and returns made and canvassed in all respects as the general elections of such city, and a majority shall determine if such tax be levied or not. If the vote is in favor of such tax, the city council shall forthwith, by an order to be entered on the journal of their proceedings, order the tax to be levied, and collect upon the basis of the last municipal assessment, and shall make the proposed expenditures: *Provided*, That the special tax thus to be levied shall for no one year be more than one per cent. of the valuation of real and personal property in the city as shown by the last assessment roll. All special taxes to be levied and collected under the provisions of this section shall be levied and collected in the manner, form and ways prescribed for the levying and collection of the general taxes of such city; and as a security for their payment a lien shall attach to and against each lot of land for the amount assessed against it from the date of the order, and every person, firm or corporation against whom a tax be thus assessed shall be personally liable to pay the amount to such city. Said lien shall continue until such taxes are paid or the property becomes vested in a purchaser under a sale thereof.

Bonded indebtedness.

Special election to authorize indebtedness.

Special tax limit.

Tax lien.

## EXCESSIVE EXPENDITURE VOID.

SEC. 42. Every appropriation or payment of money made or ordered by the city council in excess of said sum of one hundred thousand dollars, unless it shall be authorized by a vote of the electors of such city, as provided for in the preceding section, shall be invalid, illegal and void, and shall be recoverable by the city from the party or parties to whom the same is made, if knowingly taken or received by such party or parties; and the members of the city council who shall have voted for the same shall be individually, jointly and severally liable for such excess, and it may be recovered from them in any court of competent jurisdiction by the party or parties with whom they have contracted, or by the city, if payment has been actually made.

City council,  
when liable.

## PUBLIC STREETS.

SEC. 43. All the streets of such city that have been or shall hereafter be laid out and dedicated by the party or parties owning the land fronting upon the same, or by the authority of such city, and declared to be public streets, and that have been or shall hereafter be used as such, shall be and are hereby declared public streets to the extent that the same may have been or shall hereafter be used, laid out or dedicated.

## CONTRACTS FOR WORK AND MATERIALS.

SEC. 44. All contracts for work to be performed, or materials to be used, ordered by or for such city, or in which it is interested, may be, and when the cost exceeds five hundred dollars shall be let to the lowest bidder. A notice, signed by the clerk, soliciting sealed proposals, shall be published a reasonable time, in no case less than ten days prior to the time fixed for opening such bids. Such notice shall designate the work to be done and the place and the time in which it may be performed, with such other specifications as may tend to give the bidders a knowledge of the object to be accomplished, and with a reference to the diagram or specifications on file in the clerk's office. On the day limited in said notice for the opening of said

Contracts to  
lowest bidder.

bids, the council, or a committee therefor appointed, shall, Mode of procedure. in open meeting, open and declare said bids and award the contract to the lowest responsible bidder: *Provided, however,* That the city council or its committee may reject all bids when considered too high or uncertain from any circumstances. The council or committee may, before considering any offer, require security that the party will enter into a contract, if awarded to him, and all contracts shall be in writing and accompanied with a bond satisfactory to the mayor. No officer of such city shall be interested in any contract to which the city is a party, and any contract contrary to the provisions hereof shall be void. May require security.

#### IMPROVEMENT OF PUBLIC HIGHWAYS.

SEC. 45. The city council is authorized and empowered Powers of city council. to establish, lay out, alter, open, improve and repair streets, avenues, sidewalks, alleys, bridges, 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 the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or upon any part thereof; to cause to be planted, set out and cultivated shade trees along the lines thereof or therein, and generally to manage and control all such highways and places.

#### APPORTIONMENT OF EXPENSE.

SEC. 46. The city council shall have the power to provide by ordinance for doing any or all work thereupon or therein authorized by this chapter, and for the payment of the cost and expenses thereof by the levy and collection of special assessments therefor upon the property to be affected thereby. That is to say, the expense or cost of any work or improvement upon the streets, avenues or public ways of such city shall be assessed upon the lots and lands fronting thereon, each lot being separately assessed for the full debt thereof in proportion to the benefits upon the property to be benefited, sufficient to cover the total expense of the work to the center of the street on which Assessed to contiguous property.

Street improve-  
ment.

it fronts. The expense of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also all necessary street crossings or crossways, shall be paid by such city. In all the streets constituting the water front of such city, or bounded on the one side by the property thereof, the expense of work done on that portion of said streets from the center line thereof to the said water front, or to such property of the city bounded thereon, shall be provided for by such city, but no contract for any such work shall be given, except to the lowest responsible bidder, and in the manner hereinbefore provided. When any work or improvement mentioned in this section is done, or made, on one side of the center line of said streets, avenues or public ways, the lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this chapter.

#### ENACTING CLAUSE.

SEC. 47. The style of the city ordinances shall be as follows: "Be it ordained by the mayor and city council of the city of ——," and all ordinances shall be published in one or more of the newspapers published in the city.

#### PUBLICATION OF ORDINANCES.

SEC. 48. By-laws and ordinances shall be passed by the city council and approved by the mayor or the president of the city council, acting in his stead. But before any by-laws or ordinance shall have any binding validity, it shall be published in one or more newspapers published in the city and recorded in the record-book to be kept by the clerk. The clerk shall certify on the record the fact of publication; and so certified, the record shall be *prima facie* evidence of the passage thereof, and may be read as evidence of the by-laws or ordinance and its publication. A printed copy of any ordinance or by-law, or a compilation thereof printed by authority of the city council and attested by the clerk, shall be evidence thereof in same manner and with like effect.

## ENTRY OF JOURNAL.

SEC. 49. All orders of the city council to have force and legal validity shall be entered upon the journal of their proceedings, which journal shall be signed by the officer who may preside at such meeting.

## AYES AND NOES.

SEC. 50. Upon the passage of all ordinances appropriating money, imposing taxes, abolishing licenses, increasing or lessening the amount to be paid for licenses, the ayes and noes shall be entered upon the journal.

## MAJORITY NECESSARY.

SEC. 51. A majority of all the members elected shall be necessary to pass any ordinances appropriating for any purpose the sum of five hundred dollars, or upwards, or any ordinance imposing any assessment, tax or license, or in any wise increasing or diminishing the city revenue.

## FREE LIBRARY.

SEC. 52. The trustees of any free public library, created or existing in such city under the provisions of an ordinance, shall be appointed by the city council in the same manner as other officers are appointed under the provisions of this chapter, anything in the provisions of said act to the contrary notwithstanding.

## TAXATION.—TAX LEVY.

SEC. 53. The city council shall have full power and authority to assess, levy and collect annually, taxes upon all the property within the city taxable for state purposes, not exceeding one per cent. upon the assessed value thereof, which shall be paid into the general fund for current expenses. They shall provide for the payment of the principal and interest of the bonded indebtedness, if any, of such city, and for the payment of the other indebtedness of such city not funded; and they shall, each year, levy, assess and collect an additional tax upon the taxable property as aforesaid, not exceeding two per cent.

Bonded indebtedness.

in any one year, which, when collected, shall be paid into a fund, to be disbursed as follows: *First*, to pay the interest on said bonds; *second*, to a fund for the payment of the principal thereof; and, *third*, to meet any indebtedness, as aforesaid, not funded. And the city council, in making said levy, shall estimate the proportion requisite for each fund, and the same shall be expended under the direction of the city council for the purpose aforesaid, and for no other purpose. Said tax shall be levied, assessed and collected upon all property liable to taxation within such portion and such limits and so much of the territory of such city as shall be liable therefor under the laws and charters in existence at the time of the organization of such city under this act; and if, by reason of extension of territory, or from any cause, a portion only, or a certain district of such city be liable, under said laws and charters for the payment of the bonded and other indebtedness above named, or any portion of either thereof, the city council, in levying such tax, shall make such levy upon and against the property which is situated, and persons who may reside, in the territory of such city liable in each case for the payment of such indebtedness, or any particular class or portion thereof, according to such existing laws and charters. The city council shall also have power to raise annually, by tax upon all the property within the city taxable for state purposes, whatever amount of money may be requisite for the support of a free public library and reading room, such tax not to exceed in any one year the rate of ten cents on each one hundred dollars valuation.

Mode of levying taxes

Public library.

#### DUTY OF ASSESSOR.

SEC. 54. It shall be the duty of the city assessor to prepare, between the first Monday of February and the first Monday in May in each year, and present to the city clerk, with his certificate of its correctness, a list of all the real and personal property within the city taxable for state and county purposes, with a true valuation thereof, which said assessment list shall conform, as near as practicable, when not inconsistent with the provisions of this chapter

to the assessment list required by law to be made by the county assessor for state and county purposes; also to make all assessment for the improvement of streets as herein or by ordinance provided; to be present at the sessions of all boards of equalization mentioned in this chapter, and to furnish to said board such information as may be required, and to perform such other services in reference to the assessments of property in the city or otherwise appertaining to his office as the city council, by ordinance or resolution, may require. During the session of the board of equalization the city assessor shall enter upon the assessment list all the changes and corrections made by the board, and may assess and add to said list any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon county assessors, and shall receive therefor the same fees and compensation. He shall receive a salary, to be fixed by the city council, which shall not exceed five hundred dollars per annum.

Board of equalization.

Powers of assessors.

## EQUALIZATION.

SEC. 55. The city council, or a committee of their number selected for that purpose by the city council, at a meeting thereof to be held on the second Tuesday of May of each year, shall constitute a board of equalization, and shall, after the assessor shall have completed and handed in his assessment list to the city clerk, and, after five days' notice published in some newspaper in such city, hold meetings to hear and determine all complaints respecting the valuation of property as fixed by the assessor in such list, and shall have power, on their own motion, with or without complaint made, to modify and change such valuation in any way they shall deem just and proper: *Provided, however,* That before making any change in any assessment the board shall notify the person interested by letter deposited in the post-office or express, post-paid, and addressed to such person, at least three days before action is taken, of the day fixed when the matter

Meetings of board.

Notice of change.

Reduction; how made.

shall be investigated: *Provided further*, That no reduction must be made in the valuation of property unless the party affected thereby, or his agent, makes and files with the board a written application therefor, verified by his oath, showing the facts upon which it is claimed such reduction should be made. Any member of said board shall have power to administer oaths and affirmations in the matters before said board, and the sessions of said board shall be held from time to time, as in its notice specified, for the period of two weeks, and no longer.

CLERK TO COMPLETE.

SEC. 56. After the board of equalization shall have completed their duties the city clerk shall add up the columns of valuation and enter the total valuation of each description of property in the list and the total value of all property assessed and listed thereon; and thus equalized and added up, the clerk shall, on the first Tuesday in June thereafter, deliver it to the city council.

LEVY OF THE TAX.

Tax lien.

SEC. 57. On the third Tuesday in June in every year, the city council by an ordinance shall levy upon all the property in the city taxable by law for state purposes, a tax for the current and general expenses of the city; and in conformity to the provisions of this chapter shall levy any and all other taxes by law directed then to be levied or assessed; and in conformity with the provisions of this chapter, shall levy a tax for the payment of the funded debt, upon the property liable therefor. Every tax so levied is made a lien, which shall attach, on said day in each year, to and against all real property assessed for the amount assessed against it; and if said property be assessed to a wrong person or by a wrong name, said lien shall in no wise be affected or invalidated, and it shall not be satisfied or removed until the taxes are paid or the property has absolutely vested in a purchaser under and by reason of a sale for such taxes. Every tax assessed upon personal property is a lien upon the real property of the owner thereof from and after the time of the levy of



such tax. The fiscal year shall begin on the first day of <sup>Fiscal year.</sup> January, and the terms "real and personal property" shall have the same meaning as the same terms used in the revenue laws of the state.

LIST TO BE DELIVERED TO COLLECTORS.

SEC. 58. As soon as the city council has declared and levied the taxes in any year as in the preceding section provided, the city clerk shall carry out in a separate money column in the list the amount of taxes assessed against each individual, firm, company, corporation or unknown <sup>Unknown owners.</sup> owner, and add and put down the aggregate of all taxes as shown by the list; and as thus carried out the city clerk shall certify to its correctness, and on or before the fifteenth (15th) day of July thereafter, deliver it to the city collector, and shall charge him with the amount of taxes as footed up, and take his receipt therefor.

COLLECTION.

SEC. 59. The collector on receiving the assessment list certified by the clerk, shall proceed to collect the taxes specified therein and pay over the same into the treasury, taking a receipt thereof. For the purpose of collecting the taxes authorized by this chapter, the city collector shall have such powers as are given by the revenue laws of this state to collectors of state and county taxes so far as the same are applicable. All taxes unpaid at the close of official business on the thirty-first (31st) day of October shall be deemed delinquent, after which time the collector shall receive no money for taxes; and he shall, upon said day, enter upon assessment roll a levy upon all property therein assessed, the taxes upon which remain unpaid, and shall immediately ascertain the total amount of taxes unpaid, and file in the office of the city clerk a <sup>Delinquent list.</sup> list of all persons and property then owing taxes, verified by his oath, which list shall be known as the delinquent list.

## DELINQUENCIES.

SEC. 60. On the thirty-first (31st) day of October of each year at six (6) o'clock P. M. of said day, all unpaid taxes are delinquent, and thereafter the collector must collect thereon, for the use of the city, an addition of five per cent.

## DELINQUENT LIST.

SEC. 61. On or before the fifteenth (15th) day of November of each year, the city collector must deliver to the city clerk a complete delinquent list of all persons and property then owing taxes; and in the list so delivered must be set down in numerical or alphabetical order all matters and things contained in the assessment roll and relating to delinquent persons or property.

## VERIFICATION.

SEC. 62. The city clerk must carefully compare such delinquent list with the assessment roll, and if satisfied that it contains a full and true statement of all taxes due and unpaid, he must foot up the total amount of taxes so remaining unpaid, credit the city collector therewith, and make a final settlement with him of all taxes charged against him on the assessment roll; and must require from him the treasurer's receipt for the full amount of taxes collected.

Final settle-  
ment.

## CERTIFICATION.

SEC. 63. After settlement with the city collector, as prescribed in the preceding section, the city clerk must charge the city collector with the amount of taxes due on the delinquent tax list, with five per cent. added thereto, and within three days thereafter deliver the list, duly certified, to such city collector.

## PUBLICATION.

SEC. 64. On or before [the] first day of December of each year, the city collector must publish the delinquent list, which must contain the names of the persons and a description of property delinquent, and the amount of

taxes and costs due, opposite each name and description, with the taxes due on personal property, added to taxes on real estate, where the real estate is liable therefor, or the several taxes are due from the same person. To said list must be appended, and with it published, a notice that unless the taxes delinquent, together with the costs and percentage, are paid, the real property upon which such taxes are a lien will be sold at public auction, and designating therein the time and place of such sale, which must take place in or in front of the city collector's office, and not less than fourteen nor more than twenty-one days from the first publication.

Property; how sold.

#### COLLECTOR TO CERTIFY.

SEC. 65. Said list must be published three times a week for two successive weeks in some newspaper or supplement thereto published in such city, and when such publication is completed, and before commencing the sale, the city collector must file with the city clerk a copy of the publication, with his affidavit attached thereto, that it is a true copy of the same, that the publication was made in a newspaper or a supplement thereto, stating the name and place of publication; such affidavit shall be *prima facie* evidence of all facts therein stated. The expense of the publication of the delinquent list is to be paid by the city.

Duty of collector.

#### ADDITIONAL AMOUNT.

SEC. 66. The city collector must collect, in addition to the taxes due on the delinquent list, and five per centum added thereto, fifty cents on each lot, piece or tract of land separately assessed, and on each assessment of personal property, one-half of which must go to the city, and the other to the city collector, in full for preparing the list.

#### SALE.

SEC. 67. On the day fixed for the sale, or on some subsequent day to which he may have postponed it, of which he must give notice, the city collector, between the hours of ten o'clock A. M. and four o'clock P. M., must commence

Order of sale.

the sale of the property advertised, commencing at the head of the list and continuing alphabetically or in the numerical order of lots and blocks until completed.

#### POSTPONEMENT.

SEC. 68. He may postpone the day of commencing the sale, or the sale, from day to day, but the sale must be completed within two weeks from the day first fixed.

#### OWNER MAY DESIGNATE PORTION.

SEC. 69. The owner or person in possession of any real estate offered for sale for taxes due thereon may designate, in writing, to the city collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner, or the possessor, does not, then the collector may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the taxes and costs due, including fifty cents to the city collector for the duplicate certificate of sale, is the purchaser.

#### DUPLICATE CERTIFICATE.

Form of certificate.

SEC. 70. After receiving the amount of the taxes and costs, the city collector must make out in duplicate a certificate, dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid therefor, that it was sold for taxes, giving the amount and year of the assessment, and specifying the time when the purchaser will be entitled to a deed.

#### DELIVERY.-

SEC. 71. The certificates must be signed by the collector, and one copy delivered to the purchaser and the other filed in the office of the county auditor.

#### RECORD OF SALES.

Form of register.

SEC. 72. The city collector, before delivering any certificate, must, in a book, enter a description of the lands

sold, corresponding with the description in the certificate, the date of sale, purchaser's name, and amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use.

#### LIEN VESTED IN PURCHASER.

SEC. 73. On filing the certificate with the county auditor, the lien of the city vests in the purchaser, and is only divested by the payment to him, or to the city treasurer for his use, of the purchase money and fifty per cent. thereon.

#### REDEMPTION.

SEC. 74. A redemption of the property sold may be made by the owner or any party in interest within twelve months from the date of the purchase.

#### RECORDS OF REDEMPTION.

SEC. 75. On receiving the certificate of sale, the auditor must file it and make an entry in a book similar to that required of the collector. On the presentation of the receipt of the person named in the certificate or of the city treasurer for his use of the total amount of redemption money, the auditor must mark the word "redeemed," the date, and by whom redeemed, on the certificate, and in the margin of the book where the entry of the certificate is made.

#### PURCHASER'S DEED.

SEC. 76. If the property is not redeemed within the time allowed by law for its redemption, the city collector or his successor in office must make to the purchaser or assignee a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption. The collector shall be entitled to receive from the purchaser three dollars for making such deed. <sup>Form of deed.</sup> <sup>Fee.</sup>

## WHAT THE DEED PROVES.

Requirements  
of deed.

SEC. 77. The matters recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is *prima facie* evidence that—*First*, the property was assessed as required by law. *Second*, the property was equalized as required by law. *Third*, the taxes were levied in accordance with law. *Fourth*, the taxes were not paid. *Fifth*, at a proper time and place the property was sold as prescribed by law, and by the proper officer. *Sixth*, the property was not redeemed. *Seventh*, the person who executed the deed was the proper officer. *Eighth*, where the real estate was sold to pay taxes on personal property, that the real estate belonged to the person liable to pay the tax.

## DEED IS EVIDENCE OF REGULARITY.

Validity of title.

SEC. 78. Such deed duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all other proceedings from the assessment, by the assessor, inclusive, up to the execution of the deed, and conveys to the grantee the absolute title to the lands described therein, free from incumbrances.

## ASSESSMENT ROLL A GUARANTEE OF REGULARITY.

SEC. 79. The assessment roll or delinquent list, or a copy thereof, certified by the city clerk, showing unpaid taxes against any person or property is *prima facie* evidence of the assessment, the property assessed, the delinquency, the amount due and unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

EXECUTIVE DEPARTMENT.—DUTIES AND POWERS  
OF MAYOR.Quarterly state-  
ment.

SEC. 80. The mayor shall be the chief executive officer of the city. He shall have a general supervision over the several departments of the city government and over all its interests; shall preside over the city council when present; once in three months submit a general statement of the condition of its various departments, and recommend to the city council such measures as he may deem ex-

pedient for the public good, or improvement of the city, its finances or government. He shall sign all ordinances passed by the city council, if he approves them; if he does not approve, he shall, within eight days after their sub-<sup>Veto power.</sup>mission to him, return the same to the city clerk's office with his objections in writing, and at the first meeting of the city council thereafter the same shall be entered upon their journal, and they shall then reconsider such ordinance, and unless two-thirds of the councilmen-elect vote for its passage, it shall not become a law. If the mayor shall not so return any ordinance within eight days, it shall become a law as if he had signed it. He may call special<sup>Special meet-ings.</sup> meetings of the city council at any time; he shall do so at the written request of four councilmen, by notifying each member personally, or by a written notice left at his last and usual place of abode, or at his place of business during business hours, stating the purpose of such meeting.

#### PRESIDENT OF COUNCIL.

SEC. 81. The president of the city council shall preside at all its meetings when the mayor is not present; and whenever there is a vacancy in the office of mayor, or he is absent from the city or unable from any cause to discharge the duties of his office, the president shall act as mayor, and exercise all his authority and be subject to his duties. He shall countersign<sup>Countersigning warrants.</sup> all warrants and licenses issued under and by authority of the city, but in his absence or inability to perform said duty, the mayor, or if he is absent or unable to perform said duty, the president *pro tem.*, or if none has been elected, the chairman of the finance committee, may sign the same.

#### DEPUTIES.

SEC. 82. The chief of police, city attorney, city assessor, city clerk and city collector and street commissioner may each, with the approval of the city council, only, appoint such deputies as may be necessary, by writing, to be filed with the clerk. Each deputy so appointed shall receive for his services a compensation to be fixed by the city<sup>Compensation; how fixed.</sup> council, not exceeding one hundred dollars per month, and shall perform such duties under the direction of his prin-

cipal as may by said council be prescribed. The principals shall be each responsible for his deputy, and may revoke the appointment at pleasure.

#### CHIEF OF POLICE.

SEC. 83. The chief of police shall receive a salary which shall not exceed the sum of one thousand five hundred dollars per annum, to be determined by the city council.

#### TREASURER.

SEC. 84. The city treasurer shall receive a salary which shall not exceed the sum of fifteen hundred dollars per annum, to be determined by the city council.

#### DUTIES OF TREASURER.

Record book.

SEC. 85. It shall be the duty of the city treasurer to receive and safely keep all moneys belonging to such city from whatever source derived, to place the same to the credit of the different funds to which they properly belong, in a book kept for that purpose; to disburse said moneys by the direction of the city council, and in accordance with the provisions made by them under the provisions of this chapter, and to make a report monthly to the city council of the condition of the treasury.

#### CLERK.

Resolutions and ordinances.

SEC. 86. It shall be the duty of the clerk of the city to keep the corporate seal and all papers and documents belonging to the city; to file them in his office under appropriate heads; to attend the sittings of the city council, and to keep a journal of their proceedings and records of all their by-laws, resolutions and ordinances; to sign all warrants and licenses issued in pursuance of the orders and ordinances of the city council, and to affix the corporate seal on such licenses; to keep an accurate account in a suitable book, under the appropriate heads, of expenditures of all orders drawn upon the city treasurer and all warrants issued in pursuance thereof; also to keep an account, in an appropriate book, of all licenses issued, with the names of the persons to whom issued, the date of issue, the time for which the same was granted, and the sums paid therefor, and to perform such other duties as

License record.



he may be required to perform by the provisions of this act, or by ordinance. He shall receive for his services a salary to be fixed by the city council, not exceeding the sum of one hundred and fifty dollars per month.

#### ASSESSOR.

SEC. 87. It shall be the duty of the assessor to prepare the assessment rolls, lists and books, and to make the assessment of persons and property in said city as required by this chapter; also to make and present all assessments for improvement of streets or other work of like character. He shall receive a salary to be fixed by the city council.

#### COLLECTOR AND COMMISSIONER.

SEC. 88. The city collector and street commissioner shall collect all taxes, assessments, licenses, wharfage rates and all other moneys or dues owing, accruing, belonging or coming to said city, and the same shall pay over monthly to the city treasurer, unless otherwise ordered by the city council. He shall regulate the landing and stationing of all steamers, vessels, boats or other water craft, and shall make report to the city council each month. As street commissioner he shall have the general supervision of all streets, public squares, levees, wharves, sloughs, drains, water-ways, bridges, sidewalks, cross-walks and public buildings, and shall superintend all work, repairs or improvement thereof or thereon. At the request of the street committee of the city council he shall make report to them of any of his doings, and shall do and perform all such other duties as may be required of him by ordinance of the city council. As street commissioner of such city he is hereby authorized in his official capacity to make all written contracts and receive all bonds authorized in this chapter, and to do any other act, either expressed or implied, that pertains to the street department under this chapter. He shall fix the time for the performance of the work under all contracts entered into by him in accordance with the notice given by the council; and may extend the time so fixed from time to time, under the direction of said council. All work upon the streets, avenues or in the matter

Duties and powers defined.

Street and  
bridge work.

of sidewalks or bridges, or in the improvement of public buildings, squares and places of said city provided for in this chapter, or under the orders or ordinances of the city council of such city, must in all cases be done under the direction and to the satisfaction of the street commissioner, and the materials used shall be such as are required by said commissioner, in accordance with the contracts; and all contracts made therefor must contain this condition, and also express notice, that in no case, except when it is otherwise provided in this chapter, will the city be liable for any portion of the expense, and where such expense is defrayed by assessments, in no case, for any delinquency of persons or property assessed.

Contracts.

#### POLICE FORCE.

SEC. 89. The police force of such city shall consist of the chief of police and such number of policemen as shall, from time to time, be fixed and determined by the city council.

#### POLICEMEN; HOW APPOINTED.

SEC. 90. The mayor with the consent of the city council shall appoint the policemen and other subordinate officers of the city, and may for cause remove the same with the consent of the council.

#### TRIAL COMMISSION.

SEC. 91. The president of the city council, the chairman of the finance committee and the chairman of the street committee of the city council shall constitute a police trial commission, and such commission shall have power under rules of procedure to be prescribed by ordinance of such city to receive, hear, try and determine all complaints against policemen of such city for violation of official duty, or of any rule, regulation, by-law or ordinance of such city, and shall have power in such behalf to condemn or acquit, reprimand, suspend or remove any policeman.

Powers and du-  
ties.

#### JUDICIAL DEPARTMENT.—POLICE COURT.

SEC. 92. A police court is hereby established in such city, which court shall always be open, except upon non-

judicial days, and upon such days may transact criminal business only.

#### JURISDICTION.

SEC. 93. The police court of such city shall have jurisdiction of the following public offenses committed within such city: *First*, petit larceny. *Second*, assault or battery not charged to have been committed upon a public officer in the discharge of his official duty or with intent to kill. *Third*, breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment. *Fourth*, of proceedings respecting vagrants, loud or disorderly persons. *Fifth*, of all proceedings for violation of any ordinance of said city, both civil and criminal; of any and all suits to recover taxes, general or special, levied in such city for city purposes, and all suits to recover any assessment levied in such city for the improvement of streets, avenues, levees, sidewalks and public squares, and for the opening or laying out of the same, when the amount of said tax or assessment sought to be collected against the person, firm or corporation assessed is less than three hundred dollars: *Provided*, No lien upon the property taxed or assessed for the non-payment of the taxes or assessment is sought to be foreclosed by said suit. *Sixth*, of an action for the collection of money due to such city or from the city to any person, firm or corporation, when the amount sought to be collected is less than three hundred dollars. *Seventh*, of an action for the breach or violation of any official bond given by any city officer and for the breach of any contract and any action for damages in which the city is a party, or is in any way interested, and on all forfeited recognizances given to or for the benefit or in behalf of such city, and upon all bonds given upon any appeal taken from the judgment of said court in any action above named when the amount claimed, exclusive of cost; is less than three hundred dollars. *Eighth*, of an action for the recovery of personal property belonging to the city, when the value of the property, exclusive of the damages for

Criminal offenses.

Civil actions.

Limit of jurisdiction.

the taking or detention, is less than three hundred dollars. *Ninth*, of an action for the collection of any license required by any ordinance of the city. *Tenth*, the police court shall have exclusive jurisdiction of all proceedings mentioned in this section; and no justice of the peace in such city shall have power to try and decide any cases of the classes mentioned in said section: *Provided*, That any justice of the peace of such city, who may be designated in writing by the mayor or president of the city council thereof for the purpose, shall have power to preside in and to hold a police judge's court of said city in the cases in which the police judge is a party or in which he is directly interested, or when the judge is related to either party by consanguinity or affinity within the third degree; and also in the case of the sickness or temporary absence of the judge, or his inability to act from any cause; and in all such cases and during such sickness, temporary absence or inability, the justice so designated shall act as police judge and shall have and exercise all the powers, jurisdiction and authority which are or may be by law conferred upon said court or judge.

Disability of  
police judge de-  
fined.

#### POWERS OF JUDGE.

SEC. 94. The judge of said court shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the proper court, and may try, condemn or acquit, and carry his judgment into execution, as the case may require, according to law; and to punish persons guilty of contempt of court, and shall have power to issue warrants of arrest in cases of a criminal prosecution for the violation of a city ordinance, as well as in case of the violation of the criminal law of the state; also all subpoenas, and all other processes necessary to the full and proper exercise of his powers and jurisdiction in all criminal trials before the police judge for the violation of a city ordinance, as well as in cases of a violation of the criminal law of the state, made triable before such court; the defendant shall be entitled, if demanded by him, to a jury trial, but a trial by jury may be waived by

Jury trial.

the defendant in all such cases, and upon such waiver the court shall proceed and try the case.

#### DOCKETS.

SEC. 95. The city council shall furnish, for the use of the police court, two dockets; one shall be styled "The city criminal docket," in which all the criminal cases shall be recorded, and each case shall be alphabetically indexed; the other shall be styled "The city civil docket," and it shall contain a record of every civil case which is prosecuted before said court, and each case shall be properly indexed, and in all cases the dockets shall contain all such entries as are required by law to be made in the justice's docket; and in any case commenced or tried before the court, the docket must show what duties were performed by each officer, and the amount of fees due to the officer for such services, and the amount of money, if any, collected.

Form of docket

#### APPEALS.

SEC. 96. Appeals from the police court may be taken to the superior court of the county in all cases cognizable by the said police court, and such appeals shall be taken, as in case of appeal from a justice's court.

#### CITY AND DISTRICT ATTORNEY.

SEC. 97. The city attorney of such city shall prosecute all cases for the violation of any lawful order, regulation or ordinance of the city council, and shall prosecute, conduct and control all proceedings in cases mentioned in section two hundred and six of this act, both in the police court and on appeal therefrom to the superior court, but the prosecuting attorney shall attend and conduct all proceedings of the nature of a preliminary examination before said police court.

Duty of prosecuting attorney

#### INCARCERATION.

SEC. 98. In all cases when the police court is authorized to impose a fine or imprisonment, or both, upon persons convicted in said court of any offense triable therein, the said court may sentence the offender to be imprisoned in the city jail, if there be one established by the city council; if not, then until said council shall designate and

establish a city jail or prison, may sentence offenders to be imprisoned in the county jail, and in addition to imprisonment, may sentence offenders to be employed to labor in the city under the direction of the chief of police, and in the manner prescribed by ordinance, for the benefit of the city during such time of imprisonment, and may, in case of imposing a fine, embrace as a part of the sentence, that, in default of the payment of such fine, the defendant shall be imprisoned and required to labor for the benefit of the city as before provided, at the rate of two dollars a day until such fine is satisfied. Offenders required to labor under the direction of the chief of police shall, until the establishment of a city jail, be returned to the county jail at the end of each day's labor during their term of imprisonment, until a city jail shall be by the city council established. It is hereby made the duty of the officer having the control or charge of the county jail of the county wherein such city is situated to receive and safely keep all persons imprisoned by any judgment or order of the police court in accordance with the order of commitment, and to allow those to be removed from the jail, under charge of the chief of police, who are required to labor for the benefit of the city, or whom the police judge may order brought forth for trial, and the keeper of the jail shall in no way be responsible for the safe keeping of such prisoners while so under the charge of the chief of police.

May sentence to hard labor.

Duty of county jailer.

SEAL.

SEC. 99. The court shall have a seal, to be provided by the city, and certified transcripts of the police judge's docket and the seal of this court shall be evidence in any court of the state of the contents of the docket; and all warrants and other processes issued out of said court, and all acts done by said police judge under its seal, shall have the same force and validity in any part of this state as though issued or done by any court of record of this state.

Validity of acts.

## JUDGE'S REPORT.

SEC. 100. The police judge shall, on the last Saturday of <sup>Monthly report.</sup> each month, make to the city council a full report of all the cases tried in this court for that month in which the city may be interested, and at the same time shall pay into the city treasury all fines and other moneys collected on behalf of the city for such month.

## SALARIES.

SEC. 101. The city council of such city shall allow the police judge an annual salary, which shall not exceed the sum of fifteen hundred dollars, and to the chief of police and the several policemen of such city, each a salary which shall be fixed by said council. The salaries of the police judge and chief of police and policemen shall be paid, from time to time, as other city officers, and as the councilmen may determine. The chief of police or any policeman of such city is hereby authorized and empowered to serve, execute and return any and all warrants of arrest and all processes directed to him by the police judge of such city, and to arrest all persons accused or guilty of the violation of any city ordinance, or of any public offense, and to do and perform all acts and duties which in criminal cases any constable of the county may lawfully do, and receive like fees for such services: *Provided*, The city council may, in their discretion, deduct the amount so received for fees from the monthly salary of such officers, or order the same paid into the city treasury, for the use and benefit of the city, as received by said officers, respectively: *Provided*, That nothing in this charter shall be construed as authorizing or entitling such officers to charge or receive from such city, or the county wherein situated, any fees or costs in any case whatever, nor shall such city or county be liable to pay any fees or costs to such officers for any service they may render in any action or proceeding, either civil or criminal. The chief of police shall attend <sup>Powers and duties of policemen.</sup> the session of the police court when required, supervise and direct the police force of the city, and perform such other duties as may be required by the city council <sup>Chief of police.</sup> appertaining to the government of the city or the manage-

ment of its affairs, not especially devolved upon some officer named in this chapter; and the chief of police or any policeman, at his discretion, shall serve all notices by this chapter provided to be served in which the city is in any way interested, and the return of the officer so serving shall be evidence of the facts in such return stated, but none of such officers shall serve or execute any civil protest, except as provided in this chapter.

#### POWERS OF JUSTICES.

SEC. 102. The justices of the peace in and for the township embracing such city shall have the same powers as the same officers in any justice court of the county, and shall have and may exercise like powers and authority: *Provided, however,* That no justice of the peace in such city shall have power to conduct or try and decide any proceedings or cases of the classes mentioned in section two hundred and six of this act, but nothing in this section shall be construed to prevent any of the justices in said city from acting as police judge.

#### INTERESTED PARTY NOT DISQUALIFIED.

SEC. 103. The interest which an inhabitant of such city may have in a penalty for the breach of a by-law or ordinance of such city, shall not disqualify said inhabitant to act as judge, juror or witness in any prosecution to recover the penalty.

#### MUNICIPAL CORPORATIONS OF THE THIRD CLASS.

[A charter for cities having a population of more than fifteen hundred and not exceeding ten thousand.]

#### GENERAL POWERS.

SEC. 104. Every municipal corporation of the third class shall be entitled "The city of —— [naming it]," and by such name shall have perpetual succession, may sue and be sued in all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the city authorities, and may purchase, lease, receive, hold and enjoy real and personal property, and control and dispose of the same for the common benefit.

Must have a seal.



## GENERAL PROVISIONS RELATING TO OFFICERS.

SEC. 105. The government of said city shall be vested in a mayor and a city council, to consist of six members; <sup>Number of members.</sup> a treasurer, a city attorney, a clerk, a marshal, an assessor, a health officer, and such subordinate officers as are hereinafter provided for; and whenever a free public library and reading-room is established therein, five trustees thereof.

## ELECTION AND TERMS OF OFFICE.

SEC. 106. The mayor, members of the city council, and the assessor, treasurer and health officer, shall be elected by the qualified electors of said city, at a general municipal election to be held therein on the first Tuesday after the first Monday in December in each year. The assessor, treasurer and health officer shall hold office for the period of one year from and after the second Tuesday in January next succeeding the day of such election, and until their successors are elected and qualified. Members of the city council shall hold office for the period of two years from and after the second Tuesday in January next succeeding the day of such election, and until their successors are elected and qualified: *Provided*, That the first city council elected under the provisions of this act shall, at their first meeting, so classify themselves by lot as that three of their <sup>Classed by lot.</sup> number shall go out of office at the expiration of one year, and three at the expiration of two years. The city attorney, marshal, city clerk and street commissioner, and such other officers as the city council may deem proper, shall be elected by the city council, and shall hold office for one year, unless sooner removed for cause. The city council may, in their discretion, appoint a pound-master, to hold office during the pleasure of the council; and a city engineer, who shall hold office during the pleasure of the council.

## OFFICIAL BONDS.

SEC. 107. The clerk, treasurer, city attorney and marshal shall, respectively, before entering upon the duties of their respective offices, each execute a bond to such city in such penal sum as the city council, by ordinance, may determine, conditioned for the faithful performance of his

duties, including in the same bond the duties of all offices of which he is made by this chapter *ex-officio* incumbent. Such bonds shall be approved by the city council. All bonds, when approved, shall be filed with the clerk, except the bond of the clerk, which shall be filed with the president of the city council. All the provisions of any law of this state relating to the official bonds of officers shall apply to such bonds, except as herein otherwise provided. Every officer of such city, before entering upon the duties of his office, shall take and file with the clerk the constitutional oath of office.

How approved  
and filed.

#### VACANCIES.

SEC. 108. Any vacancy occurring in any of the offices provided for in this act shall be filled by appointment by the city council, but if such office be elective, such appointee shall hold office only until the next regular election, at which time a person shall be elected to serve for the remainder of such unexpired term. In case a member of the city council shall absent himself for three consecutive regular meetings thereof, unless by permission of the city council, his office shall, by the council, be declared vacant, and the same filled as in case of other vacancies.

Limit of term.

#### COMPENSATION.

SEC. 109. The members of the city council shall receive no compensation whatever, except while acting as a board of equalization. The clerk, assessor, marshal, city attorney and health officer shall severally receive, at stated times, a compensation to be fixed by ordinance by the city council, which compensation shall not be increased or diminished after their election, or during their several terms of office. Nothing herein contained shall be construed to prevent the city council from fixing such several amounts of compensation, in the first instance, during the term of office of any such officer or after his election. The compensation of all other officers shall be fixed from time to time by the city council.

Fixed by ordinance

## ELECTION REGULATIONS.

SEC. 110. All elections in such city shall be held in accordance with the general election laws of the state, so far as the same may be made applicable, and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county and shall have resided in such city for at least thirty days next preceding such election. The city council shall give such notice of each election as may be prescribed by ordinance, shall appoint boards of election and fix their compensation, and establish election precincts and polling places, and may change the same: *Provided*, That no part of any ward less than the whole thereof shall be attached to any other ward or part thereof in forming election precincts.

Notice to be prescribed.

## ELIGIBILITY TO OFFICE.

SEC. 111. No person shall be eligible to hold any office in such city, whether filled by election or appointment, unless he be a resident and elector therein and shall have resided in such city for one year next preceding the date of such election or appointment: *Provided*, That residence of ninety days within such city shall render any otherwise qualified elector eligible to hold any office in such city under the first election held under the provisions of this act for officers of such city.

## FREE LIBRARY.

SEC. 112. The trustees of any free public library created or existing in such city shall be appointed by the city council in the same manner as other officers are appointed under the provisions of this chapter.

## LEGISLATIVE DEPARTMENT.—MAYOR AND CITY COUNCIL.

SEC. 113. The city council, together with the mayor, shall meet on the second Tuesday in January next succeeding the date of said general municipal election, shall take the oath of office, and shall hold regular meetings at least once in each month, at such times as they shall fix by ordinance. Special meetings may be called at any time by the mayor, by written notice delivered to each member at least three hours before the time specified for

Monthly meetings.

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

#### MEETINGS.

**Quorum.** SEC. 114. At any meeting of the city council a majority of the councilmen shall constitute a quorum for the transaction of business, but a less number may adjourn from time [to time], and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The mayor shall preside at all meetings of the council, and in case of his absence the council may appoint a mayor *pro tem.*; and in case of the absence of the clerk, the mayor or mayor *pro tem.* shall appoint one of the members of the city council clerk *pro tem.*

**Pro tem. officers.**

#### RULES.

**Conduct.** SEC. 115. The city council shall judge of the qualifications of its members and of all election returns, and determine contested elections of all city officers. They may establish rules for the conduct of their proceedings, and punish any member, or other person, for disorderly behavior at any meeting. They shall cause the clerk to keep a correct journal of all their proceedings, and, at the desire of any member, shall cause the ayes and noes to be taken on any question, and entered on the journal.

**Journal.**

#### LIMITATION ON PASSAGE OF ORDINANCES.

**Limit of time.** SEC. 116. No ordinance and no resolution granting any franchise for any purpose shall be passed by the city council on the day of its introduction, nor within five days thereafter, nor at any other than a regular meeting, nor without being submitted to the city attorney. No resolution or order for the payment of money shall be passed at any other time than at a regular meeting. And no such ordinance, resolution or order shall have any validity or effect unless passed by the votes of at least four city councilmen.

**At regular meeting.**

**Validity.**

## POWERS OF COUNCIL.

SEC. 117. The city council of such city shall have power—

*Ordinances.*—(1) To pass ordinances not in conflict with the constitution and laws of this state or of the United States.

*City Real Estate.*—(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 city: *Provided*, That they shall not have power to sell or convey any portion of any water front; but may rent such water front for a term not exceeding ten years, for the purpose of erecting bath-houses thereon; and may improve part of such water front by building inclines or wharves for the accommodation of shippers, and to charge and collect for the use of the same such amounts as will compensate the city for the expenses incurred and the repairs needed from time to time; to prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof.

Cannot sell water front.

*Water.*—(3) To contract for supplying the city with water for municipal purposes.

*Public Highways.*—(4) To establish, build and repair bridges; to establish, lay out, alter, keep open, open, 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 the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and cross-walks therein or upon any part thereof; to cause to be planted, set out and cultivated shade trees therein; and generally to manage and control all such highways and places.

*Sewers.*—(5) To establish, construct and maintain drains and sewers.

*Fire Extinguishment.*—(6) To provide fire-engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.

*Poll Tax.*—(7) To impose on and collect from every male inhabitant between the ages of twenty-one and fifty years an annual street poll tax, not exceeding two dollars, and no other road poll tax shall be collected within the limits of such city: *Provided*, That any member of a volunteer fire company in such city shall be exempt from such tax.

*Dog Tax.*—(8) To impose and collect an annual license, not exceeding two dollars, on every dog owned or harbored within the limits of the city.

*Property Tax.*—(9) To levy and collect annually a property tax, which shall be apportioned as follows: For the general fund, not exceeding sixty cents on each one hundred dollars; for street fund, not exceeding thirty cents on each one hundred dollars; and for sewer fund, not exceeding ten cents on each one hundred dollars. The levy for all purposes for any one year shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property within such city.

*Liquor Tax.*—(10) To license, for purposes of regulation and revenue, all and every kind of business, including the sale of intoxicating liquors, authorized by law, and transacted or carried on in such city, and all shows, exhibitions and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same, by suit or otherwise.

*River Improvements.*—(11) To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channels thereof, and to 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 pollution of streams of water, and for this purpose shall have jurisdiction over all streams within its limits and for two miles beyond in either direction.

*Municipal Buildings.*—(12) To erect and maintain buildings for municipal purposes.

*Tracks and Pipes.*—(13) To permit, under such restrictions as they may deem proper, the laying of railroad tracks, and the running of cars drawn by horses, steam or

other power thereon, and the laying of gas and water pipes in the public streets, and to construct and maintain, and to permit the construction and maintenance of, telegraph, telephone and electric light lines therein.

*Ward Division.*—(14) 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 such general municipal election, nor within twenty months after the same shall have been established or altered. Whenever such city shall be 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 such wards; and thereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by a general vote of the whole city, as may be designated in such ordinance.

Council must  
apportion.

*Policemen.*—(15) To appoint and remove such policemen and other subordinate officers as they may deem proper, and to fix their duties and compensation.

*Violation of Ordinances.*—(16) To impose fines, penalties and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed three hundred dollars, nor the term of such imprisonment exceed three months.

*Prison Labor.*—(17) To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other public property or works within the city.

*Fire Limits.*—(18) To establish fire limits, with proper regulations.

(19) The city council may appropriate from the general fund an amount not exceeding one-fourth of one mill of the taxable property of the city for the purpose of establishing and maintaining a public library.

*Other Acts.*—(20) To make all such ordinances, by-laws, 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 exact and enforce within the limits of such city all other local, police, sanitary and other regulations as do not conflict with general laws.

ENACTING CLAUSE.

SEC. 118. The enacting clause of all ordinances shall be as follows: "The city council of the city of \_\_\_\_\_ do ordain as follows:" Every ordinance shall be signed by the mayor, attested by the clerk, and published at least once in a newspaper published in such city, or printed and posted in at least three public places therein.

BOARD TO AUDIT DEMANDS.

SEC. 119. All demands against such city shall be presented to and audited by the city council, in accordance with such regulations as they may by ordinance prescribe; and upon the allowance of any such demand the mayor shall draw a warrant upon the treasurer for the same, which warrant shall be countersigned by the clerk, and shall specify for what purpose the same is drawn, and out of what fund it is to be paid.

INDEBTEDNESS NOT TO EXCEED MONEYS PROVIDED.

SEC. 120. The city council shall not create, audit, allow, nor permit to accrue any debts or liabilities in excess of one and one-half per cent. of the amount of the taxable property within the limits of such city or town, unless authorized by a vote of three-fifths of the qualified electors of such city or town, in which case such debts or liabilities shall not exceed five per cent. of such amount of taxable property, said amount to be determined from the last assessment roll preceding the creation of such indebtedness.

SEC. 121. That any such city or town may borrow money or contract indebtedness for strictly municipal purposes over the amount specified in the preceding section, but not exceeding in amount, together with the existing general indebtedness, five per centum of the taxable prop-



erty in such city or town, to be ascertained as provided in the preceding section through the council of such city or town, whenever three-fifths of the voters therein assent thereto at an election to be held for that purpose, at such time upon such reasonable notice and in the manner presented by the city or town council not inconsistent with the general election laws. Must be voted upon.

#### INCARCERATION.

SEC. 122. The violation of any ordinance of such city shall be deemed a misdemeanor, and may be prosecuted by the authorities of such city in the name of the people of the State of Washington, or may be redressed by civil action, at the option of said authorities. Option of city authorities. Any person sentenced to imprisonment for the violation of an ordinance may be imprisoned in the city jail, or if the city council by ordinance shall so prescribe, in the county jail of the county in which such city may be situated; in which case the expense of such imprisonment shall be charged in favor of such county and against such city.

#### NUISANCES.

SEC. 123. Every act or thing done or being within the limits of such city, which is or may be declared by law or by any ordinance of such city to be a nuisance, shall be and is hereby declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

#### REPAIRS ASSESSED ON FRONTING PROPERTY.

SEC. 124. The city council are hereby authorized and empowered to order any work authorized by this chapter to be done upon the streets, avenues, highways and public places of such city. The cost and expenses incurred therefor shall be paid as follows, to-wit: The expense or cost of improving and repairing streets, sidewalks, alleys, squares and other public highways and places within the city, removing obstructions therefrom, grading, planking, paving, macadamizing, graveling and curbing the same,

and constructing gutters, culverts and sidewalks therein, shall be assessed upon the lots and lands fronting thereon, each lot or portion of a lot being separately assessed for the full debt thereof in proportion to the benefits upon the property to be benefited, sufficient to cover the total expense of the work to the center of the street on which it fronts: *Provided*, That the city council may expend from the general fund for said purposes such sums as, in their judgment, may be fair and equitable in consideration of benefits accruing to the general public by reason of such improvements. The expense of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also all necessary street crossings or crossways at corners or intersection of streets, and the expenses of establishing, building and repairing bridges in such city, shall be paid by such city. The expense incurred in making and repairing sewers in any street shall be paid by the city out of the sewer fund. In all the streets constituting the water front of such city, or bounded on the one side by the property thereof, the expense of work done on that portion of said streets, from the center line thereof to the said water front, or to such property of the city bounded thereon, shall be paid for by such city; but no contract for any such work shall be given, except to the lowest responsible bidder, and in the manner hereinafter provided; when any work or improvements mentioned in this section is done or made on one side of the center lines of said streets, avenues or public highways, the lots or portions of lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this chapter. Whenever any expenses or cost of work shall have been assessed on any lands, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, and which may be foreclosed in accordance with the provisions of the code of civil procedure. Said suit shall be in the name of the city of \_\_\_\_\_ [naming it] as plaintiff. Upon the filing of a complaint in the superior court to enforce a lien of any kind hereon, the plaintiff shall be entitled, if a recovery is

Pro rata.

General fund.

Sewer fund.

Lien shall take precedence.

had or the money is paid, to include as costs the sum of twenty-five dollars as attorney's fees.

RIGHT-OF-WAY.

SEC. 125. Whenever it shall become necessary for the city to take or damage private property for the purpose of establishing, laying out, extending and widening streets and other public highways and places within the city, or for the purpose of rights-of-way for drains, sewers and aqueducts, and for the purpose of widening, straightening or diverting the channels of streams, and the improvement of water fronts, and the city council cannot agree with the owner thereof as to the price to be paid, the city council may direct proceedings to be taken according to law. Condemnation of property.

CITY TAX LEVY.

SEC. 126. The city council shall have power, and it shall be their duty, to provide by ordinance a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this chapter, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this state governing cities of the second class in reference to the assessment, levy and collection of municipal taxes, except as to the officers by whom such duties are to be performed. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed from and after the first day of November in each year; which liens may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance or by actions in any court of competent jurisdiction to foreclose such liens: *Provided*, That any property sold for such taxes shall be subject to redemption within the time and in the manner provided, or that hereafter may be provided, by law for the redemption of property sold for state or county taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this chapter, shall have the same force and effect in evidence as is or may hereafter be provided by law for Redemption.

deeds of property sold for non-payment of state or county taxes: *Provided*, That for the year A. D. 1890, there shall be, within sixty days after the election of officers for such city, assessed and levied a tax sufficient to meet the current expenses of said city up to the date of the first regular levy under the provisions of this act or the ordinance of such city, and the lien of said tax shall attach immediately upon the completion of the proceedings in incorporation, and the same may be collected and enforced as other taxes provided for by ordinance or the provisions of this act.

#### EQUALIZATION.

SEC. 127. The city council shall meet at their usual place of holding meetings on the second Tuesday of May of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been rectified. They shall have power to hear complaints, and to correct, modify, or strike out any assessment made by the assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list of each tax shall be the assessment roll for said tax for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year.

Powers of  
board.

#### CONSTRUCTION OF ACT.

SEC. 128. Nothing in this chapter contained shall be construed to prevent any city having a bonded indebtedness, contracted under laws heretofore passed, from levying and collecting such taxes for the payment of such indebtedness, and the interest thereon, as are provided for in such laws, in addition to the taxes herein authorized to be levied and collected. All moneys received from licenses, street poll tax, and from fines, penalties and forfeitures, shall be paid into the general fund.

General fund.

## WATER FRONT FUND.

SEC. 129. The city council may also levy and cause to be collected in each year, in addition to the taxes herein authorized to be levied and collected, a tax not exceeding Special tax. ten cents on each one hundred dollars of the assessed value of all real and personal property within such city subject to taxation; the proceeds of which tax shall be known as the "river and water front improvement fund," and shall be applied to the improvement of streams, bays and water fronts, and the erection of embankments and other works to protect the city from overflow, and for no other purposes whatever.

## PUBLIC WORK TO BE CONTRACTED FOR.

SEC. 130. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water fronts, or in or about embankments, or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of five hundred dollars, the Limit. same shall be done by contract, and shall be let to the lowest responsible bidder, after due notice, under such regulations as may be prescribed by ordinance: *Provided*, That the city council may reject all bids presented, and re-advertise, in their discretion. The city council shall annually, at a stated time, contract for doing all city printing and advertising, which contract shall be let to the City printing. lowest bidder after notice as provided in this section. All advertising shall be done in a newspaper printed and published in such city, and the contract therefor shall be awarded separately from all other printing.

## SIGNATURE OF CONTRACTS AND WARRANTS.

SEC. 131. The mayor shall preside over all meetings of the council at which he is present; in his absence, a mayor *pro tem.* may be chosen. The mayor, and in his absence the mayor *pro tem.*, shall sign all warrants drawn on the city treasurer, and shall sign all written contracts entered into by said city, as such mayor or mayor *pro tem.* Powers of mayor pro tem. The authority and power of the mayor *pro tem.* shall con-

tinue only during the day on which he is chosen. The mayor and mayor *pro tem.* shall have power to administer oaths and affirmations, and take affidavits and certify the same under his hands. The mayor or mayor *pro tem.* shall sign all conveyances made by said city, and all instruments which shall require the seal of the city. The mayor is authorized to acknowledge the execution of all instruments executed by said city that require to be acknowledged.

EXECUTIVE DEPARTMENT.—TREASURER.

SEC. 132. It shall be the duty of the treasurer to receive and safely keep all moneys which shall come into his hands as city treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the city clerk. He shall pay out said moneys on warrants signed by the mayor and countersigned by the clerk, and not otherwise. He shall make quarterly settlements with the city clerk. For his compensation he shall be allowed one per cent. on all moneys received and paid by him as such treasurer. He may credit himself with such per cent. in his settlements with the city clerk. Upon each quarterly settlement he shall file a statement of his account with the city clerk.

Moneys; how paid.

ASSESSOR.

SEC. 133. It shall be the duty of the assessor, between the first Monday of February and the first Monday of May in each year, to make out a true list of all the taxable property within the city. The mode of making out said list, and proceedings relating thereto, shall be in conformity with laws now in force regulating county assessors, except as the same may be otherwise provided in this act, or by ordinance. Said list shall describe the property assessed and the value thereof, and shall contain all other matters required to be stated in such lists by county assessors. Said assessor shall verify said list by his oath, and shall deposit the same with the city clerk on or before the first Monday in May in each year. The assessor shall, during said time, also make a list of all male persons residing within the limits of such city over the age

Tax list.

Poll list.

of twenty-one years, and shall verify said list by his oath, and shall, on or before the first Monday of May in each year, deposit the same with the city clerk. Said assessor and his deputy shall have the power to administer all oaths and affirmations necessary in the performance of his duties.

## DUTIES OF CLERK.

SEC. 134. It shall be the duty of the city clerk to keep a full, true record of all the proceedings of the city council and the board of equalization. The proceedings of the city council shall be kept in a book marked "Records of the city council." The proceedings of the board of equalization shall be kept in a separate book marked "Records of the board of equalization." He shall keep a book which shall be marked "City accounts," in which shall be entered as a credit all moneys received by the city for licenses, the amount of any tax when levied, and all other moneys received, and in which shall be entered upon the debtor side all commissions deducted and all warrants drawn on the treasury. He shall also keep a book marked "Marshal's account," in which he shall charge the city marshal with all the tax lists delivered to him and all licenses delivered to him. He shall credit the marshal with the delinquent lists returned by him and with his commission for collecting. He shall also keep a book marked "Treasurer's account," in which he shall keep a full account of the transactions of the city with the treasurer. He shall also keep a book marked "City licenses," in which he shall enter all licenses issued by him, the date thereof, to whom issued, for what, the time when it expires and the amount paid. He shall also keep a book marked "City attorney's account," and shall therein charge said city attorney with all delinquent tax lists delivered to him, and shall credit him with money paid and delinquent tax lists returned. He shall also keep a book marked "City ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the forgoing ordinance is a true and correct copy of an ordinance of such city, and giving the number and title of said ordinance, and stating that the

City accounts.

Marshal's account.

Treasurer's account.

License record.

Ordinance record.

same has been published or posted according to law. Said record copy, with said certificate, shall be *prima facie* evidence of the contents of the ordinance and of the passage and publication of the same, and shall be admissible as such evidence in any court or proceedings. Said records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. Each of the foregoing books, except the records of the city council and the board of equalization, shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein. The city clerk shall also keep a book marked "Demands and warrants," in which he shall note every demand against the city and file the same. He shall state therein, under the note of the demands, the final disposition made of the same; and if the same is allowed and a warrant is drawn, he shall also state the number of the warrant with sufficient dates. This book shall contain an index, in which reference shall be made to each demand. Upon the completion of the assessment roll of any of the taxes of the city, and levying of the tax thereon, the city clerk shall apportion the taxes upon such assessment roll, and make out and deliver to the marshal a tax list in the usual form, taking the receipt therefor. He may appoint a deputy, for whose acts he and his bondsmen shall be held responsible; and he and his deputy shall have the power to administer oaths and affirmations, to take affidavits and depositions to be used in any court or proceeding in the state, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the city, and certify the same without charge. He shall be the custodian of the seal of such city. He shall make a quarterly statement in writing, showing the receipts and expenditures of the city for the preceding quarter and the amount remaining in the treasury. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the city, which shall be pub-

Custody of records.

Form of records.

Apportionment of taxes.

Custodian of seal.

Clerk's report.



lished. He shall perform such other services as this act and the ordinances of the city council shall require.

ATTORNEY.

SEC. 135. It shall be the duty of the city attorney to advise the city authorities and officers in all legal matters pertaining to the business of said city. He shall receive the delinquent list, and receipt therefor; he is authorized to bring suit in the name of such city in the proper court for the collection of any tax; he shall receive for collecting taxes such per cent. on the amount collected as may be provided by ordinance, which said per cent. shall be collected of the delinquent tax-payers as provided by ordinance. In case a suit shall be brought in the superior court upon a tax upon real estate to sell such real estate for the purpose of paying such tax and costs, he shall be allowed, in addition to the said per cent., twenty-five dollars for each suit brought, to be taxed as costs in such suit, and not to be paid to said city attorney unless collected of the defendant in such suit. Said city attorney shall receive such other compensation as may be allowed by the city council.

Compensation  
of attorney.

MARSHAL.

SEC. 136. The department of police of said city shall be under the direction and control of the city marshal, subject to the direction of the city council; and 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, he shall have the powers that are now or may hereafter be conferred upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers and watchmen in said city, and every citizen shall also lend him aid, when required, for the arrest of offenders and maintenance of public order. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute, before the police justice, all breaches or violations of, or non-compliance with, any city ordinance which shall

Duties and  
powers.

come to his knowledge. He shall collect all taxes levied by the city council, except as herein provided. He shall, at the expiration of every month, pay the city treasurer all taxes and other funds of said city that he has collected or received during the preceding month. He shall, upon payment of the money, file with the treasurer an affidavit, stating that the money so paid is all the taxes or funds he has collected or received during the preceding month. He shall, upon the receipt of any tax list, give his receipt for the same to the city clerk, and shall, upon depositing with the city clerk the delinquent tax list, take his receipt therefor. He shall receive from the clerk all city licenses and collect the same. He shall have charge of the city prison and prisoners, and of any chain-gang which may be established by the city council. He shall, for service of any process, receive the same as fees as constables. He may appoint, subject to the approval of the city council, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose only compensation shall be fees for the service of process, which shall be the same as those allowed to the city marshal. He may also, with the concurrence of the mayor, when the same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only. He shall perform such other services as this act and the ordinances of the city council shall require, and shall receive such compensation as shall be fixed by ordinance.

Receipts for records.

Deputies.

Special police.

#### BOARD TO FIX COMPENSATION.

SEC. 137. The city council shall, by ordinance not inconsistent with the provisions of this chapter, prescribe the additional duties of all officers and fix their compensation.

#### JUDICIAL DEPARTMENT.—POLICE JUSTICE.

SEC. 138. There shall also be elected, as hereinafter specified, a police justice, or so many as the council may deem necessary. The justice or justices so elected may be selected from the justices of the peace duly elected under the laws of the State of Washington, and while act-

ing in city or town matters may hold office for that purpose anywhere within the city or town. Such justices of the peace shall have jurisdiction over all offenses defined by any ordinance of the city or town, and all other actions brought to enforce or recover any penalty forfeiture declared or given by any such ordinance, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and to pronounce judgment in accordance therewith. All civil or criminal proceedings before such justice of the peace, under and by authority of this act, shall be governed and regulated by the general laws of the state relating to justices of the peace and to their practices and jurisdiction, and shall be subject to review in the court of the proper county by *certiorari* or appeal, the same as in other cases. All officers elected by the council are subject to removal by that body at any time, for cause deemed sufficient.

Regulating proceedings.

MISCELLANEOUS PROVISIONS.—COLLECTION OF MONEYS.

SEC. 139. Every officer collecting or receiving any moneys belonging to or for the use of such city shall settle for the same with the clerk on the first Monday in each month, and immediately pay the same into the treasury, on the order of the clerk, for the benefit of the funds to which such moneys respectively belong.

NO OFFICER TO BE INTERESTED IN CONTRACT.

SEC. 140. No officer of such city shall be interested, directly or indirectly, in any contract with such city, or with any of the officers thereof, in their official capacity, or in doing any work or furnishing any supplies for the use of such city or its officers in their official capacity; and any claim for compensation for work done, or supplies or materials furnished, in which any such officer is interested, shall be void, and if audited and allowed, shall not be paid by the treasurer. Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor, and punished as such.

Voiding validity of claim.

## NUISANCES.

SEC. 141. Every act or thing done or being within the limits of such city, which is or may be declared by law or by an ordinance of such city to be a nuisance, shall and is hereby declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

## MUNICIPAL CORPORATIONS OF THE FOURTH CLASS.

[A charter for towns having a population of not exceeding fifteen hundred.]

## GENERAL POWERS.

SEC. 142. Every municipal corporation of the fourth class shall be entitled the town of \_\_\_\_\_ (naming it), and by such name shall have perpetual succession, may sue and be sued in all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the town authorities, and may purchase, lease, receive, hold and enjoy real and personal property, and control and dispose of the same for the common benefit.

## OFFICERS.

SEC. 143. The government of such town shall be vested in a mayor and council, to consist of five members; a clerk, who shall be *ex-officio* assessor; a treasurer; a marshal, who shall be *ex-officio* tax and license collector; a police justice, to be appointed by the council, and who may be one of the justices of the peace of the township in which said town is situated; and such subordinate officers as are hereinafter provided for.

## ELECTION AND TENURE OF OFFICE.

SEC. 144. The mayor, members of the council and the treasurer shall be elected by the qualified electors of said town at a general municipal election to be held therein on the Tuesday after the first Monday in December in each year. The treasurer shall hold office for the period of one year from and after the second Tuesday in January next succeeding the day of such election, and until his successor is elected and qualified. The mayor and mem-

bers of the council shall hold office for the period of two years from and after the second Tuesday in January next succeeding the day of such election, and until their successors are elected and qualified: *Provided*, That the first council elected under the provisions of this act shall, at their first meeting, so classify themselves by lot as that three of their number shall go out of office at the expiration of one year, and two at the expiration of two years. The council shall appoint a marshal and clerk, and may, in their discretion, appoint an attorney, a pound-master, a superintendent of streets, a civil engineer, and such police and other subordinate officers as in their judgment may be deemed necessary, and fix their compensation, which said officers shall hold office during the pleasure of said council.

Must be classified.

#### OFFICIAL BONDS.

SEC. 145. The clerk, treasurer and marshal shall, respectively, before entering upon the duties of their respective offices, execute a bond to such town in such penal sum as the council by ordinance may determine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this chapter *ex-officio* incumbent; such bonds shall be approved by the council. All bonds, when approved, shall be filed with the clerk, except the bonds of the clerk, which shall be filed with the mayor. All the provisions of any law of this state relating to the official bonds of officers shall apply to such bonds, except as herein otherwise provided. Every officer of such town, before entering upon the duties of his office, shall take and file with the clerk the constitutional oath of office.

How filed.

#### VACANCIES ; HOW FILLED.

SEC. 146. Any vacancy occurring in any of the offices provided for in this act shall be filled by appointment by the council; but if such office be elective, such appointee shall hold office only until the next regular election, at which time a person shall be elected to serve for the remainder of such unexpired term. In case a member of the council is absent from the town for three consecutive meetings, unless by permission of the council, his office

shall, by the council, be declared vacant, and the same filled as in case of other vacancies.

#### COMPENSATION.

Cannot be changed during term.

SEC. 147. The mayor and members of the council shall receive no compensation whatever. The clerk, treasurer, marshal and police justice shall severally receive, at stated times, a compensation, to be fixed by ordinance by the council, which compensation shall not be increased or diminished after their election or during their several terms of office. Nothing herein contained shall be construed to prevent the council from fixing such several amounts of compensation in the first instance, during the term of office of any such officer, or after his election. The compensation of all other officers shall be fixed from time to time by the council.

#### ELECTION PROVISIONS.

Must give notice.

SEC. 148. All elections in such town shall be held in accordance with the general election laws of the state, so far as the same may be applicable; and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county, and shall have resided in such town for at least thirty days next preceding such election. The council shall give such notice of each election as may be prescribed by ordinance, shall appoint boards of election, and fix their compensation, and establish election precincts and polling places, and may change the same.

#### ELIGIBILITY TO OFFICE.

SEC. 149. No person shall be eligible to or hold office in such town, whether filled by election or appointment, unless he be a resident and elector therein.

#### LEGISLATIVE DEPARTMENT.— COUNCIL.

Special meetings.

SEC. 150. The council shall meet on the second Tuesday in January succeeding the date of said general municipal election, shall take the oath of office, and shall hold regular meetings at least once in each month, at such times as they shall fix by ordinance. Special meetings may be called at any time by the mayor or by three councilmen, by written notice delivered to each member, at least three

hours before the time specified for the proposed meeting. All meetings of the council shall be held within the corporate limits of the town, at such place as may be designated by ordinance, and shall be public.

## MEETINGS.

SEC. 151. At any meeting of the council a majority of the councilmen shall constitute a quorum for the transac-<sup>Quorum.</sup> tion of business, but a less number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The mayor shall preside at all meetings of the council, and in case of his absence the council may appoint a president *pro tem.*, and in case of the absence of the clerk, the mayor or president *pro tem.* shall appoint one of the members of the council clerk *pro tem.*

## RULES.

SEC. 152. The council shall judge of the qualifications of its members and of all election returns, and determine contested elections of all town officers. They may establish rules for the conduct of their proceedings, and punish any member or other person for disorderly behavior at any meeting. They shall cause the clerk to keep a correct journal of all their proceedings, and at the desire of<sup>Journal.</sup> any member shall cause the ayes and noes to be taken on any question and entered on the journal.

## FRANCHISES AND RESOLUTIONS TO PAY MONEY.

SEC. 153. No ordinance and no resolution granting any franchise for any purpose shall be passed by the council on the day of its introduction, nor within five days thereafter, nor at any other than a regular meeting. No resolution or order for the payment of money shall be passed<sup>How passed.</sup> at any other time than at a regular meeting; and no such ordinance, resolution or order shall have any validity or effect unless passed by the votes of at least three councilmen.

## POWERS.

SEC. 154. The council of said town shall have power: *Ordinances.*—(1) To pass ordinances not in conflict

with the constitution and laws of this state or of the United States.

*Real Estate.*—(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: *Provided*, That they shall not have power to sell or convey any portion of any water front.

*Water.*—(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 the use of such town or its inhabitants, or for irrigating purposes therein.

*Highways.*—(4) To establish, build and repair bridges; to establish, lay out, alter, widen, extend, keep open, 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 shade trees therein; and generally to manage and control all such highways and places.

*Sewers.*—(5) To construct, establish and maintain drains and sewers.

*Fires.*—(6) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.

*Poll Tax.*—(7) To impose on and collect from every male inhabitant between the ages of twenty-one and fifty years an annual street poll tax, not exceeding two dollars; and no other road poll tax shall be collected within the limits of such town.

*Dog Tax.*—(8) To impose and collect an annual license, not exceeding two dollars, on every dog owned or harbored within the limits of the town.

*Property Tax.*—(9) To levy and collect annually a



property tax. The levy for all purposes, for any one year, shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property within such town.

*Licenses.*—(10) To license, for purposes of regulation and revenue, all and every kind of business authorized by law in such town, and all shows, exhibitions and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

*Water Front Improvement.*—(11) To improve the rivers and streams flowing through such town, or adjoining the same; to widen, straighten and deepen the channels thereof and remove obstructions therefrom; to prevent the pollution of streams of water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the water front of the town, and to construct and maintain embankments and other works to [protect] such town from overflow.

*Public Buildings.*—(12) To erect and maintain buildings for municipal purposes.

*Tracks and Pipes.*—(13) To permit, under such restrictions as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, electricity or other power thereon, and the laying of gas and water pipes in the public streets; and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric light lines therein.

*Violation of Ordinances.*—(14) To impose fines, penalties and forfeitures for any and all violation of ordinances; and for any breach or violation of any ordinances, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed three hundred dollars, nor the term of imprisonment exceed three months.

*Prison Labor.*—(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.

*Other Acts.*—(16) To make all such ordinances, by-laws, 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 manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

#### ENACTING CLAUSE.

SEC. 155. The enacting clause of all ordinances shall be as follows: "Be it ordained by the council of the town of \_\_\_\_\_." Every ordinance shall be signed by the mayor, attested by the clerk and published at least once in a newspaper published in such town, or printed and posted in at least three public places therein.

#### DEMANDS.

SEC. 156. All demands against such towns shall be presented to and audited by the council in accordance with such regulations as they may by ordinance prescribe, and upon the allowance of any such demand the mayor shall draw a warrant upon the treasurer for the same, which warrant shall be countersigned by the clerk, and shall specify for what purpose the same is drawn.

#### INDEBTEDNESS NOT TO EXCEED AVAILABLE FUNDS.

SEC. 157. The council shall not create, audit, allow or permit to accrue any debt or liability in excess of one and one-half per centum of the taxable property in such town, without the assent of three-fifths of the voters of such town voting at an election to be held for that purpose; nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum of the value of the taxable property, to be ascertained by the last assessment for town purposes previous to incurring such indebtedness.

#### INCURRING EXCESS DECIDED BY VOTE.

SEC. 158. That any such city or town may borrow money or contract indebtedness for strictly municipal purposes; but not exceeding in amount, together with the existing general indebtedness, five per centum of the taxable property in such city or town, to be ascertained as provided in the preceding section, through the council of

such city or town, whenever three-fifths of the voters therein assent thereto at an election to be held for that purpose, upon such reasonable notice and in the manner prescribed by the city or town council not inconsistent with the general election laws.

#### INCARCERATION.

SEC. 159. The violation of any ordinance of such town shall be deemed a misdemeanor, and may be prosecuted by the authorities of such town in the name of the people of the State of Washington, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of an ordinance may be imprisoned in the jail for such town; or if the council by ordinance shall so prescribe, in the county jail of the county in which such town may be situated, in which case the expense of such imprisonment shall be a charge in favor of such county and against such town: *Provided*, Before such persons can be imprisoned in the county jail the consent of the county commissioners shall be first obtained.

#### NUISANCES.

SEC. 160. Every act or thing done or being within the limits of such town which is or may be declared by law or by any ordinance of such town to be a nuisance, shall be and is hereby declared to be a nuisance, and shall be considered and treated as such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

#### COST OF STREET WORK ASSESSED ON FRONTING PROPERTY.

SEC. 191. The council are hereby authorized and empowered to order any work authorized by this chapter to be done upon the streets, avenues, highways and public places of such town. The cost and expense incurred therefor shall be paid as follows, to-wit: The expense or cost of improving and repairing streets, sidewalks, alleys, squares and other public highways and places within the town, removing obstructions therefrom, grading, paving,

planking, macadamizing, graveling and curbing the same, and constructing gutters, culverts and sidewalks therein, shall be assessed upon the lots and lands fronting thereon, **each** lot or portion of a lot being separately assessed for the full depth thereof in **proportion** to the benefits upon the property to be benefited sufficient to cover the **total** expense of the work to the center of the street on which it fronts: *Provided*, That the council may expend from the general fund for said purposes a sum which, in their judgment, may be necessary. The expense of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also all necessary street crossings or crossways at corners or intersection of streets, and the expense of establishing, building and repairing bridges in such town shall be paid by such town. In all the streets constituting the water front of such town, or bounded on the one side by the property thereof, the expense of work done on that portion of said streets from the center line thereof to the said water front, or to such property of the town bounded thereon, shall be paid for by such town, but no contract for any such work shall be given except to the lowest responsible bidder and in the manner hereinafter provided. When any work or improvements mentioned in this section is done or made on one side of the center line of said streets, avenues or public highways, the lots or portions of lots fronting on that side shall be assessed to cover the expenses of said work according to the provisions of this chapter. Whenever any expenses or costs of work shall have been assessed on any lands the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, and which may be foreclosed in accordance with the provisions of the code of civil procedure. Such suit shall be in the name of the town as plaintiff. Upon the filing of a complaint in the superior court to enforce a lien of any kind hereon, the plaintiff shall be entitled, if recovery is had or the money is paid, to include as costs the sum of twenty-five dollars as attorney's fees.

Pro rata assessment.

Must be by contract.

Lien upon property.

## RIGHT-OF-WAY.

SEC. 162. Whenever it shall become necessary for a town to take or damage private property for the purpose of establishing, laying out, extending and widening streets and other public highways and places within the town, or for the purpose of rights-of-way for drains, sewers and aqueducts, and for the purpose of widening, straightening or diverting the channels of streams and the improvement of water fronts, and the council cannot agree with the owner thereof as to the price to be paid, the council may direct proceedings to be taken under the general laws of the state to procure the same.

## LEVY OF TAXES.

SEC. 163. The council shall have power, and it shall be their duty, to provide by ordinance a system for the assessment, levy and collection of all town taxes, not inconsistent with the provisions of this chapter, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this state governing cities of the second class in reference to the assessment, levy and collection of municipal taxes, except as to the officers by whom such duties are to be performed. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed from and after the first day of November in each year, which liens may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinances or by action in any court of competent jurisdiction to foreclose such liens: *Provided*, That for the year 1890 there shall, within sixty days after the completion of incorporation proceedings under this act, be assessed and levied upon the taxable property of such town such an amount, not exceeding the limit allowed by law, as may be necessary to meet the current expenses of said town for the fraction of the year ensuing to the date of the regular assessment and levy of taxes next following, as may be provided by law or ordinance, and the lien of such

Liens for taxes;  
how enforced.

Redemption.

taxes shall attach upon the day when the proceedings for the incorporation of such town are completed, and the same may be enforced as in other cases in this act provided: *Provided*, That any property sold for such taxes shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided, by law for the redemption of property sold for state or county taxes. All deeds made upon any sale of property for taxes or special assessments, under the provisions of this chapter, shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for non-payment of state or county taxes.

## EQUALIZATION.

Certified list.

SEC. 164. The council shall meet at their usual place of holding meetings on the second Tuesday of May of each year, at ten o'clock of said day, and sit as a board of equalization, and shall continue in session from day to day until all the returns of assessor have been rectified. They shall have power to hear complaints and to correct, modify or strike out any assessment made by the assessor, and may, of their own motion, raise any assessment upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax and shall be the assessment roll upon such tax to be levied in said year.

## CONSTRUCTION OF ACT.

Bonded debt.

SEC. 165. Nothing in this chapter contained shall be construed to prevent any town having a bonded indebtedness, contracted under laws heretofore passed, from levying and collecting such taxes for the payment of such indebtedness and the interest thereon, as are provided in such laws, in addition to the taxes herein authorized to be levied and collected. All moneys received from licenses, street poll tax, and from fines, penalties and forfeitures shall be paid into the general fund.

## PUBLIC WORK TO BE DONE BY CONTRACT.

SEC. 166. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water fronts, or in or about embankments, or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of one hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after due notice, under such regulations as may be prescribed by ordinance: *Provided*, That the council may reject all bids presented, and re-advertise, in their discretion.

## SIGNATURE OF WARRANTS AND CONTRACTS.

SEC. 167. The mayor shall preside over all meetings of the council at which he is present. In his absence, a mayor *pro tem.* may be chosen. The mayor, and in his absence, the mayor *pro tem.*, shall sign all warrants drawn on the treasurer, and shall sign all written contracts entered into by said town, as such mayor or mayor *pro tem.* The authority and power of the mayor *pro tem.* shall continue only during the day on which he is chosen. The mayor and mayor *pro tem.* shall have power to administer oaths and affirmations, and take affidavits and testify the same under their hands. The mayor, or mayor *pro tem.*, shall sign all conveyances made by said town, and all instruments which shall require the seal of the town. The mayor is authorized to acknowledge the execution of all instruments executed by said town that require to be acknowledged.

Authority and  
power of mayor  
*pro tem.*

## EXECUTIVE DEPARTMENT.—TREASURER.

SEC. 168. It shall be the duty of the treasurer to receive and safely keep all moneys which shall come into his hands as treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the clerk. He shall pay out said money on warrants, signed by the mayor and countersigned by the clerk, and not otherwise. He shall make quarterly settlements with the clerk. For

Quarterly set-  
tlements.

his compensation he shall be allowed one per cent. on all moneys received and one per cent. on all moneys paid by him as such treasurer. He may credit himself with such per cent. in his settlements. Upon each quarterly settlement he shall file a statement of his account with the clerk.

## ASSESSOR.

SEC. 169. It shall be the duty of the assessor, between the first Monday of February and the first Monday of May in each year, to make out a true list of all taxable property within the town. The mode of making out said list, and proceedings relating thereto, shall be in conformity with the laws now in force regulating county assessors, except as the same may be otherwise provided in this act or by ordinance. Said list shall describe the property assessed and the value thereof, and shall contain all other matters required to be stated in such list by county assessors. Said assessor shall verify said list by his oath, and shall deposit the same with the clerk on or before the first Monday of May of each year. The assessor shall, during said time, also make a list of all male persons residing within the limits of the town over the age of twenty-one years, and shall verify said list by his oath, and shall, on or before the first Monday of May of each year, deposit the same with the clerk. Said assessor and his deputy shall have power to administer all oaths and affirmations necessary in the performance of his duty.

Verified list.

Poll list.

## CLERK.

SEC. 170. It shall be the duty of the clerk to keep a full, true record of all the proceedings of the council and of the board of equalization. The proceedings of the council shall be kept in a book marked "Records of the council." The proceedings of the board of equalization shall be kept in a separate book marked "Records of the board of equalization." He shall keep a book which shall be marked "Town accounts," in which shall be entered as a credit all moneys received by the town for licenses, the amount of any tax when levied, and all other moneys when received, and in which shall be entered upon the debtor side all commissions deducted and all warrants

Duties.

Town accounts.



drawn on the treasury. He shall also keep a book marked "Marshal's account," in which he shall charge the marshal with all the tax lists delivered to him, and all licenses delivered to him. He shall credit the marshal with the delinquent list returned by him and with his commission for collecting. He shall also keep a book marked "Treasurer's account," in which he shall keep a full account of the transactions of the town with the treasurer. He shall also keep a book marked "Licenses," in which he shall enter all licenses issued by him, the date thereof, to whom issued, for what, the time when they expire, and the amount paid. He shall also keep a book marked "Attorney's account," and shall therein charge said attorney with all delinquent tax lists delivered to him, and shall credit him with money paid and delinquent tax lists returned. He shall keep a book marked "Ordinances," into which he shall copy all town ordinances, with his certificate annexed to said copy, stating that the foregoing ordinance is a true and correct copy of an ordinance of the town, and giving the number and title of said ordinance and stating that the same has been published or posted according to law. Said record copy, with said certificate, shall be *prima facie* evidence of the contents of the ordinance, and of the passage and publication of the same, and shall be admissible as such evidence in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. Each of the foregoing books, except the records of the council and the board of equalization, shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein. The clerk shall also keep a book marked "Demands and warrants," in which he shall note every demand against the town and file the same. He shall state therein, under the note of the demands, the final disposition made of the same, and if the same is allowed and the warrant drawn he shall also state the number of the warrant, with sufficient dates. This book shall contain an index, in which refer-

Marshal's account.

Treasurer's account.

License record.

Attorney's account.

Ordinance record.

Form of record book.

ence shall be made to each demand. Upon the completion of the assessment roll of any of the taxes of the town and the levying of the tax thereon, the clerk shall apportion the taxes upon such assessment roll and make out and deliver to the marshal a tax list, in the usual form, taking his receipt therefor. He may appoint a deputy, for whose acts he and his bondsmen shall be responsible; and he and his deputy shall have power to administer oaths or affirmations, to take affidavits and depositions, to be used in any court or proceeding in the state, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the town, and certify the same without charge. He shall be the

Custodian of  
seal.

custodian of the seal of the town. He shall make a quarterly statement in writing, showing the receipts and expenditures of the town for the preceding quarter, and the amount remaining in the treasury. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the town, which shall be published. He shall perform such other services as this act and the ordinances of the council shall require.

#### ATTORNEY.

Duties.

SEC. 171. It shall be the duty of the attorney to advise the town authorities and officers in all legal matters pertaining to the business of said town. He shall receive the delinquent list and receipt therefor; he is authorized to bring suit in the name of the town in the proper court for the collection of any tax; he shall receive for collecting taxes such per cent. on the amount collected as may be provided by ordinance, which said per cent. shall be collected of the delinquent tax-payers as provided by ordinance. In case a suit shall be brought in the superior court upon a tax upon real estate to sell such real estate for the purposes of paying such tax and costs, he shall be

Compensation.

allowed, in addition to the said per cent., twenty-five dollars for each suit brought, to be taxed as costs in such suit, and not to be paid to said attorney unless collected of the de-

fendant in such suit. Said attorney shall receive such other compensation as may be allowed by the council.

MARSHAL.

SEC. 172. The department of police of said town shall be under the direction and control of the marshal, subject to the direction of the council; and 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, he shall have the powers that are now and may hereafter be conferred upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection; and his lawful orders shall be promptly executed by deputies, police officers and watchmen in said town, and every citizen shall also lend him aid when required for the arrest of offenders and maintenance of public order. He shall and is hereby authorized to execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute before the police justice all breaches or violations of, or non-compliance with, any ordinance which shall come to his knowledge. He shall collect all taxes levied by the council, except as herein provided. He shall, at the expiration of every month, pay to the treasurer all taxes and other funds of said town collected by him during said month. He shall, upon payment of the money, file with the treasurer an affidavit stating that the money so paid is all the taxes or funds that he has collected or received during the preceding month. He shall, upon the receipt of any tax list, give his receipt for the same to the clerk, and shall, upon depositing with the clerk the delinquent tax list, and take his receipt therefor. He shall receive from the clerk all licenses, and collect the same. He shall have charge of the prison and prisoners, and of any chain-gang which may be established by the council. He shall, for service of any process, receive the same fees as constables. He may appoint, subject to the approval of the council, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose compensation shall be fixed by the council. He may also, with the con-

Duties and powers.

Collector of taxes and license money.

Fees.

Special police. currence of the mayor, when the same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only. He shall perform such other services as this act and the ordinances of the council shall require, and shall receive such compensation as shall be fixed by ordinance.

COMPENSATION FIXED BY COUNCIL.

SEC. 173. The council shall, by ordinances not inconsistent with the provisions of this chapter, prescribe the additional duties of all officers and their compensation.

JUDICIAL DEPARTMENT.—POLICE JUSTICE.

Jurisdiction. SEC. 174. There shall also be elected, as hereinafter specified, a police justice, or so many as the council may deem necessary. The justice or justices so elected may be selected from the justices of the peace duly elected under the laws of the State of Washington, and while acting in town matters may hold office for that purpose anywhere within the town. Such justices of the peace shall have jurisdiction over all offenses defined by any ordinance of the town, and all other actions brought to enforce or recover any penalty or forfeiture declared or given by any such ordinance, and full power and authority to hear and determine all cases, civil or criminal, arising under such ordinance, and to pronounce judgment in accordance therewith. All civil or criminal proceedings before such police justice, under and by authority of this act, shall be governed and regulated by the general laws of the state relating to justices of the peace and to their practices and jurisdiction, and shall be subject to review in the court of the proper district by *certiorari* or appeal the same as in other cases. All officers elected by the council are subject to removal by that body at any time for cause deemed sufficient.

Practice regulations.

MISCELLANEOUS PROVISIONS.—COLLECTION OF MONEYS.

SEC. 175. Every officer collecting or receiving any moneys belonging to or for the use of such town, shall settle for the same with the clerk on the first Monday in each

month, and immediately pay the same into the treasury on the order of the clerk, for the benefit of the funds to which such moneys respectively belong.

NO OFFICER TO BE INTERESTED IN ANY PUBLIC CONTRACT.

SEC. 176. No officer of such town shall be interested, directly or indirectly, in any contract with such town, or with any of the officers thereof, in their official capacity, nor in doing any work nor furnishing any supplies for the use of such town, or its officers in their official capacity; and any claim for compensation for work done or supplies or materials furnished in which any such officer is interested shall be void, and if audited and allowed shall not be paid by the treasurer. Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor and punished as such.

Invalid claims.

SEC. 177. There being no law in this state for the organization of, classification, incorporation and government of municipal corporations, an emergency exists; therefore, this act shall take effect and be in force from and after its approval by the governor.

Approved March 27, 1890.

CITIES OF TWENTY THOUSAND AND UPWARD; TO PROVIDE FOR THE GOVERNMENT OF.

AN ACT to provide for the government of cities having a population of twenty thousand or more inhabitants, and declaring an emergency to exist.

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

SECTION I. Any city now having, or which may hereafter have, a population of twenty thousand or more inhabitants, may frame a charter for its own government.

SEC. 2. The legislative authority of any such city now incorporated, or which may hereafter be incorporated under the laws of this state, may by ordinance provide for the appointment, by the mayor thereof, of such number of persons as shall be designated in such ordinance, to make an enumeration of all persons residing in the corporate limits of such city. The persons so appointed shall, before entering upon their duties, take an oath for the faithful performance thereof, and shall within five days after their appointment proceed, within their respective districts, to make an enumeration of all persons residing therein, with their names and places of residence, and immediately upon the completion of such enumeration, shall make return thereof upon oath to the legislative authority of said city, who shall at their next meeting, or as soon thereafter as practicable, canvass and certify the same, and if it shall appear that the whole number of persons residing within the corporate limits of such city is twenty thousand or more, the mayor and clerk shall certify, under the corporate seal of said city, the number so ascertained, to the secretary of the state, who shall file the same in his office, and when so filed, such certificate shall be conclusive evidence of the population of said city.

Census.

Duty of enumerators.

Certificate.

SEC. 3. If it shall appear by such certificate that the population of such city is twenty thousand or more, the legislative authority thereof shall, within twenty days after the filing of such certificate, provide by ordinance for an election to be held therein for the purpose of electing fifteen freeholders, who shall have been residents of said city for the period of at least two years preceding their election, and qualified electors, for the purpose of framing a charter for such city. It shall be the duty of the persons so elected to convene within ten days after their election and frame a charter for such city, and within thirty days thereafter they, or a majority of their number, shall submit such charter to the legislative authority of such city, who shall, within five days thereafter, cause the same to be published in two daily newspapers published in said city for thirty days, and upon the affidavit of the publisher of each of said papers being filed with the clerk

Election of freeholders.

Formation of charter.

Publication.

of said city, that the said proposed charter has been published in full in said papers as above provided, which affidavit shall be made immediately after the last publication of such proposed charter, the legislative authority of such city shall, within five days thereafter, provide for the submission thereof to the qualified voters of said city, and shall, for that purpose, give at least ten days' notice in each election district of said city by publishing such notice in two daily newspapers published in said city, and by causing the same to be posted at each polling place in the several election districts thereof, of an election, which notice shall specify the object for which said election is called. Said election shall be governed by the laws regulating and controlling elections in said city. The form of ballot at such election shall be: "For the proposed charter," "Against the proposed charter." In submitting such proposed charter, or amendments thereto, any alternate article or proposition may be presented for the choice of the voters of such city, and may be voted on separately without prejudice to others. In submitting such amendment, article or proposition, the form of ballot shall be: "For article No. \_\_\_\_\_ of the charter," "Against article No. \_\_\_\_\_ of the charter."

Adoption of charter.

Form of ballots.

SEC. 4. The officers conducting such election shall make returns thereof within the time and in the manner provided by the election laws of such city, and the vote thereof shall be canvassed and the result declared as provided by such laws; and if upon such canvass it shall be found that a majority of the votes so cast at such election were cast in favor of the ratification of such charter, the same shall become the organic law of said city, and shall supersede any existing charter, and all amendments thereto and all special laws inconsistent therewith, when authenticated, recorded and attested as hereinafter provided. The mayor of said city shall, thereupon, attach to said charter a certificate in substance as follows:

Election returns.

I, \_\_\_\_\_, mayor of the city of \_\_\_\_\_, do hereby certify that in accordance with the terms and provisions of section ten of article XI of the constitution, and of chapter \_\_\_\_\_ of the laws of said state, the \_\_\_\_\_ of the city of \_\_\_\_\_, duly caused a \_\_\_\_\_ election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 18—, for the purpose of electing

Certificate of election.

fifteen freeholders to prepare a charter for the city of ———; that due notice of such election was given in the manner provided by law; that on the ——— day of ———, 18—, said election was held, and the votes cast thereat were duly canvassed by the legislative authority of said city, and the following named persons were declared duly elected to prepare and propose a charter for said city, to-wit: ——— That thereafter, to-wit: On the ——— day of ———, 18—, said board of freeholders duly returned a proposed charter for the city of ———, signed by the following members thereof, to-wit: ———. That thereafter such proposed charter was duly published in two daily newspapers in said city and of general circulation therein, to-wit: For a period of ——— days, said publication in each of said papers, commencing on the ——— day of ———, 18—. That thereafter, on the ——— day of ———, 18—, at a ——— election duly called by the legislative authority of said city, the proposed charter was submitted to the qualified electors thereof, and the returns of such election were duly canvassed by the legislative authority thereof at a meeting held on the ——— day of ———, 18—, and the result of said election was found to be as follows: For said proposed charter, ——— votes; against said proposed charter, ——— votes. Majority for said proposed charter, ——— votes. Whereupon, the said charter was declared duly ratified by a majority of the qualified electors voting at said election. And I further certify that the foregoing is a full, true and complete copy of the proposed charter so voted upon and ratified as aforesaid.

In testimony whereof, I hereunto set my hand and affix the corporate seal of said city at my office this ——— day of ———, 18—.

Attest:

—————,  
Clerk of the city of ———.

—————,  
Mayor of the city of ———.  
[Corporate seal.]

Charter book.

Such charter shall immediately thereafter be recorded by the clerk of said city in a book to be provided and kept for that purpose and known as the charter book of the city of ———, and when so recorded shall be attested by the clerk and mayor of said city under the corporate seal thereof, and thereafter any and all amendments to said charter shall be in like manner 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.

General powers  
of city.

SEC. 5. Any such city shall have power: *First*, to provide for general and special elections for questions to be voted upon, and for the election of officers; *second*, 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; *third*, 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 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; *fourth*, 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 ten per centum of the value of the taxable property therein, to be ascertained by the last assessment for city purposes previous to the incurring of such indebtedness; *fifth*, 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; *sixth*, 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; *seventh*, 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; *eighth*, 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 improvement 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; *ninth*, 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

Debt limit.

Private property for public use.

Changing grades.

Regulating railroads.

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; *tenth*, 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; *eleventh*, to acquire, by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same; *twelfth*, to construct and keep in repair bridges, viaducts and tunnels, and to regulate the use thereof; *thirteenth*, 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; *fourteenth*, to provide for erecting, purchasing or otherwise acquiring water works within or without the corporate limits of said city, to supply said city and its inhabitants with water, or to 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; *fifteenth*, 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; *sixteenth*, 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 venders in such city, and to provide for the inspection thereof; *seventeenth*, to erect and establish hospitals and

Parks.

Bridges.

Water works.

Lights.

Markets.

Hospitals.

pest-houses, and to control and regulate the same; *eighteenth*, 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; *nineteenth*, to provide for establishing and maintaining reform schools for juvenile offenders; *twentieth*, to provide for the establishment and maintenance of public libraries, and to appropriate, annually, such per centum 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; *twenty-first*, 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; *twenty-second*, 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; *twenty-third*, 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 fire-works; *twenty-fourth*, 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; *twenty-fifth*, to regulate the manner in which stone, brick and other buildings, party walls and partition fences shall be constructed and maintained; *twenty-sixth*, to deepen, widen, dock, cover, wall, alter or change the channels of water-

Reform schools.

Libraries.

Nuisances.

Protection against fire.

Regulate buildings.

Water-ways.

ways 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; *twenty-seventh*, to control, regulate or prohibit the anchorage, moorage and landing of all water crafts and their cargoes within the jurisdiction of the corporation; *twenty-eighth*, 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; *twenty-ninth*, to license, regulate, control or restrain wharf-boats, tugs and other boats used about the harbor or within such jurisdiction; *thirtieth*, 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 cleansing and purification of water-courses 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; *thirty-first*, 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; *thirty-second*, to regulate the selling or giving away of intoxicating, malt, vinous, mixed or fermented liquors: *Provided*, That no license shall be granted to any person or persons who shall not first comply

Water craft.

Public build-  
ings.

Sanitary meas-  
ures.

Quarantine.

Selling intoxi-  
cants.

License limit.

with the general laws of the state in force at the time the same is granted; *thirty-third*, 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; *thirty-four*, 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; *thirty-fifth*, to restrain and provide for the punishment of vagrants, mendicants, prostitutes and other disorderly persons; *thirty-sixth*, to provide for the punishment of all disorderly conduct and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace and good order within its limits, and to provide for the arrest, trial and punishment of all persons charged with violating any of the ordinances of said city; but such punishment shall in no case exceed the punishment provided by the laws of the state for misdemeanors; *thirty-seventh*, to project or extend its streets over and across any tide-lands 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; *thirty-eighth*, to provide in their respective charters for a method to propose and adopt amendments thereto.

SEC. 6. The legislative powers of any city organized under the provisions of this act shall be vested in a mayor and a city council, to consist of such number of members and to have such powers as may be provided for in its charter, who, together with such other elective officers as may be provided for in such charter, shall be elected at the times, in such manner and for such terms, and shall perform such duties and receive such compensation, as may be prescribed in such charter: *Provided*, That the

Officers.

first election of officers to serve under the provisions of said charter shall be held at the time of the submission of such proposed charter to the legal voters of such city. Said election shall be held and the returns made and canvassed according to the general provisions of the election laws of said city; but any division of the city into wards, and any division of wards into precincts made in said proposed charter shall be in force at said election. Immediately after the vote of such election shall have been canvassed and the result thereof declared, if it shall appear that a majority of the votes cast at such election were cast in favor of the ratification of such proposed charter, the mayor and city clerk of said city shall thereupon issue notice to each officer elected at such election, notifying him of his election, and within ten days after the issuance of such notice the officers so elected shall qualify as provided in such charter, and on the tenth day after the issuance of such notice, at 12 o'clock M. of said day, the officers so elected and qualified shall enter upon the discharge of the duties of the offices to which they have been elected, and at such time said charter shall be attested as recorded, and go into effect.

Election returns.

Qualification of officers.

SEC. 7. Any city adopting a charter under the provisions of this act shall have all the powers which are now or may hereafter be conferred upon incorporated towns and cities by the laws of this state, and all such powers as are usually exercised by municipal corporations of like character and degree, whether the same shall be specifically enumerated in this act or not.

Rule of construction.

SEC. 8. The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act, but the same shall be liberally construed for the purpose of carrying out the objects for which this act is intended.

SEC. 9. Whereas, the statutes now in force in this state are inadequate to the present wants and necessities of the cities herein provided for, an emergency is declared to exist; this act shall, therefore, take effect from and after its approval by the governor.

Approved March 24, 1890.

## CITIES AND TOWNS MAY EXTEND THEIR CREDIT.

AN ACT authorizing and empowering cities and towns organized prior to the adoption of the state constitution to extend their credit and to fund their indebtedness, and validating certain indebtedness already contracted, and declaring an emergency to exist.

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

SECTION 1. That any city or town having a corporate existence in this state at the time of the adoption of the constitution thereof, is hereby authorized and empowered to borrow money and to contract indebtedness in any other manner for general municipal purposes, not exceeding in amount, together with the existing general indebtedness of such city or town, one and one-half per centum Debt limit. of the taxable property in such city or town, to be ascertained by the last assessment for state and county purposes, previous to the incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes, whenever it is deemed advisable to do so by the city or town council thereof.

SEC. 2. That any such city or town may borrow money or contract indebtedness for strictly municipal purposes over the amount specified in the preceding section, but not exceeding in amount, together with the existing general indebtedness, five per centum of the taxable property in such city or town, to be ascertained as provided in the preceding section, through the council of such city or town, whenever three-fifths of the voters therein assent Three-fifths vote. thereto, at an election to be held for that purpose at such time, upon such reasonable notice and in the manner presented by the city or town council, not inconsistent with the general election laws.

SEC. 3. That any city or town described in the first section of this act shall, in addition to the power granted in the preceding sections, have the power, through its council, to borrow money or to contract indebtedness in

For water,  
lights or sewers.

an amount not exceeding five per centum of the taxable property in such city or town, ascertained as provided in the first section hereof, for the purpose of supplying such city or town with water, artificial light or sewers, when the plant or plants used for such purposes shall be owned and controlled by the city, whenever three-fifths of the voters therein assent thereto at an election to be held for that purpose, according to the provisions of section two of this act.

SEC. 4. That any city or town of the description of those included in the first section of this act may fund its indebtedness at any time in such a manner, for such time and upon such terms and interest as its council may deem advisable: *Provided*, That the indebtedness funded shall not, with all the existing indebtedness, exceed in amount one and one-half per centum of the taxable property thereof, ascertained as provided in the first section hereof, unless such indebtedness shall have been authorized by the assent of three-fifths of the voters of such city or town, as hereinbefore provided.

Validity of ob-  
ligation.

SEC. 5. That any indebtedness now owing by any such city or town, contracted strictly for municipal purposes, whether the same exceeds the amount which such city or town was authorized to contract under its charter or not, is hereby validated and declared to be a binding obligation upon such city or town when the only ground of the invalidity of such indebtedness is that it exceeds the amount authorized by the charter of such city or town: *Provided*, That if said indebtedness exceeds one and one-half per centum, including present indebtedness, upon the taxable property therein, to be ascertained as hereinbefore provided, then such indebtedness shall not be deemed to be validated by this act till three-fifths of the voters in such city or town shall assent to the same, at an election held for that purpose, in the manner provided by section two of this act: *Provided further*, That the indebtedness ratified, including all existing indebtedness, shall not exceed in amount five per centum upon the taxable property in such city or town, ascertained as hereinbefore indicated: *And provided further*, That this section shall only apply to indebtedness now existing.



SEC. 6. That when this act comes in conflict with any provision, limitation or restriction in any local or special law or charter existing at the time that the constitution of the State of Washington was adopted, this statute shall govern and control. Effect of this statute.

SEC. 7. That, whereas, many of the cities and towns of this state are seriously embarrassed in the making of needed improvements by restrictions in their charters, preventing them from extending their credit to the present constitutional limit, an emergency exists for the immediate effect of this law, and the same shall take effect therefor from and after its passage.

Approved February 26, 1890.

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## CITIES AND TOWNS MAY ENLARGE THEIR LIMITS.

AN ACT to provide for extending and enlarging the corporate limits of any city, town or village in this state, and for consolidating and uniting cities, towns and villages, and declaring an emergency.

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

SECTION 1. That on petition in writing, signed by a majority of the legal voters in any territory adjacent to any city, incorporated town or village, and not embraced within its limits, the city council or board of trustees of such city, town or village may, by ordinance, annex such territory to such city, town or village by filing a copy of such ordinance, together with a map of the territory intended to be embraced, duly certified by the mayor of the city, or president of the board of trustees of the town or village, in the office of the auditor of the county in which the annexed territory is situated, which ordinance and map shall be recorded by such auditor in the proper By petition.

Ordinance and map to be filed.

books of his office, and thereafter the territory so annexed shall be a part of said city, town or village, and all courts of this state shall take judicial notice of the change so made.

Publication of  
notice.

SEC. 2. Upon the filing of any such petition with the clerk of the city, town or village, it shall be the duty of the said clerk to publish, for ten (10) days, in a daily newspaper published in said city, a notice that such petition has been filed and that the same will be acted on by the council or board of trustees of such city, town or village, at the first regular meeting of said council or board of trustees after the expiration of said ten (10) days; and said notice shall specify the day and hour of such meeting. Upon the day fixed for said action any resident of the city, town or village, or of the territory proposed to be embraced within its limits, may appear before said council or board of trustees and show that the said petition was not signed by a majority of the voters of said territory; and it shall be the duty of said council or board of trustees to investigate and determine whether or not said petition was signed by a majority of all the legal voters aforesaid, and the determination of the said council or board of trustees upon said question shall be final and conclusive, and shall preclude any appeal to the courts. If there be no daily newspaper published in said city, town or village, then the publication herein provided for shall be made in a weekly newspaper once a week for four weeks, and action by the council or board of trustees shall be at the first regular meeting after the expiration of said four weeks. The hearing upon, and investigation of, said petition herein provided for may be postponed from time to time by vote of said council or board of trustees.

Platting ad-  
jacent property.

SEC. 3. When any owner of any tract of land adjacent to any city, incorporated town or village shall hereafter lay off and plat such tract as an addition to such city, town or village, such plat shall be filed for record in the office of the auditor of the county where such land is situated, and the same shall thereafter, for all purposes, be held and considered as a part of said city, town or village: *Provided*, That no plat shall be so filed for record before it shall

have been submitted to the city council of such city, or board of trustees of such town or village, and by them approved.

SEC. 4. Any person who shall sell or offer for sale any lot, tract or parcel of land, describing the same as an addition to, or as a part of, any city, town or village, without having first complied with all the provisions of section three of this act, shall forfeit and pay for the use of such city, town or village for each and every lot, tract or parcel of land so sold or offered for sale the sum of one hundred dollars (\$100), to be recovered by civil action, brought in the name of such city, town or village.

Plat of addition  
must be filed.

SEC. 5. Whenever the city council or board of trustees of any city, town or village shall by resolution so request, and whenever twenty-five (25) residents and freeholders of any territory over which it is proposed to extend the corporate limits of any such city, town or village shall, in writing, join in the request, it shall be the duty of the board of county commissioners of the county in which such city, town or village is located, to submit to the qualified electors of said city, town or village and of such territory, the question of extending the corporate limits of such city, town or village, and if a majority of all the qualified electors of such city, town or village and of the territory over which it is proposed to extend the same shall vote in favor of such extension, then and thereafter the said corporate limits shall be extended as prayed.

Duty of county  
commissioners.

SEC. 6. The resolution of any such city, town or village shall be certified to the board of county commissioners, under the hand and seal of the clerk of said city, town or village, if there be such officers, and if there be no such officers, then under the hand of the mayor or other chief executive officer of said city, town or village, and said resolution and the request of the residents and freeholders of adjacent territory who shall join in the request for the extension of the corporate limits, shall specify the territory over which it is proposed to extend the said corporate limits.

Resolutions  
must be certified.

SEC. 7. The said request shall be filed with the auditor of the county, and if the same be filed at a time when

the board is not in session, the said auditor shall there-upon cause to be advertised in some daily newspaper, if there be such published in such city, town or village, and if not, then in a weekly newspaper published therein, for two weeks, that such request has been filed and that such request will be acted on by the county commissioners on a day to be specified in said notice, which day shall not be less than two weeks from the first publication of said notice. If the request be filed when the said board of county commissioners is in session, the said board shall fix a day for hearing the same, and the same advertisement of said hearing shall be published by the auditor, as in cases where the request is filed with him during vacation.

Hearing petition.

SEC. 8. On the day fixed for said hearing, the said board of county commissioners shall determine whether the said resolution and the request of the residents and freeholders of the territory over which it is proposed to extend the corporate limits conforms to the requirements of this act, and if it so finds, then it shall order the holding of the election, as hereinbefore provided, upon a day to be fixed by it, which day shall be not less than thirty (30) days from the day of the making of said order. Said election shall be advertised, held and conducted in the manner provided by the general election laws of this state, so far as the same are applicable: *Provided*, That the advertisement of the same shall be published only in the city, town or village to be affected, and that the same shall contain an accurate description of the territory over which it is proposed to extend the corporate limits: *And provided further*, That the said board of county commissioners shall fix and specify in the advertisement polling places at which the electors shall vote. The returns of said election shall be made to the auditor of the county, and the said board of county commissioners shall meet on the fifth day after said election and canvass said returns and declare the result. The ballots used at such elections shall read: "For extending the corporate limits," and "Against extending the corporate limits."

Manner of conducting election.

SEC. 9. If a majority of the said electors have voted in favor of extending the corporate limits as proposed, the said board of county commissioners shall so declare and shall cause the said declaration to be made a matter of record, and thereafter the corporate limits of any such city, town or village shall be as in the said declaration stated, and all the courts in the State of Washington in which the said matter shall come in question shall take judicial notice thereof. The determination of the said board of county commissioners upon any question necessary for them to decide in and about proceedings taken and had under this act shall be final and conclusive, except that the result of elections had under this act may be contested by any qualified elector living in the territory affected by the election, in the manner provided by general law.

Effect of election.

Contesting election.

SEC. 10. This act shall apply to any territory adjacent to any city having a population of more than [than] ten thousand (10,000) persons, whether the said territory be already within an incorporated town or village or not: *Provided*, Said town or village have within its corporate limits no more than two thousand (2,000) persons. If any such town or village have a population greater than two thousand (2,000) persons, then it shall not be included within the corporate limits of any other city under the provisions of this act, unless its city council or board of trustees shall by resolution so request of the board of county commissioners, in the same manner as is provided by section five of this act, in which case, as to the territory included within the limits of such town or village, the request by the resident freeholders of such territory need not be preferred to the board of county commissioners, but the resolution of said city, town or village shall be in lieu thereof.

Application of law.

SEC. 11. Whenever it is proposed to extend the corporate limits of any city, town or village so as to embrace the corporate limits of any other city, town or village having less population than two thousand (2,000), and the corporate authorities of the latter city, town or village shall by resolution request the same, then the request of

Cities under 2,000.

twenty-five (25) residents and freeholders hereinbefore provided for may be dispensed with, and an election shall be ordered by the county commissioners, to determine whether the corporate limits of said city, town or village shall be so extended in the manner provided in this act.

SEC. 12. All courts in this state shall take judicial notice of cities, towns and villages, and of the changes of their territory made under the provisions of this act.

SEC. 13. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 14. Whereas, there is no adequate law now in force in this state for a change of their boundaries by cities or incorporated towns and villages, an emergency is declared to exist for the immediate effect of this law, and the same shall, therefore, take effect from and after its passage and approval by the governor.

Approved February 26, 1890.