

## CHAPTER 219.

[ S. B. 333. ]

## CITIES AND TOWNS—INCORPORATION PROCEEDINGS.

AN ACT relating to petition for organization, classification, incorporation and government of municipal corporations; prescribing powers and duties of certain officers; prescribing certain procedures in relation thereto; amending sections 35.02.020, 35.02.030, 35.02.040, 35.02.080, 35.02.100, 35.02.120 and 35.02.130, RCW; adding new sections to chapter 35.02, RCW; and repealing section 35.02.085, RCW.

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

Amendment.

SECTION 1. Section 35.02.020, RCW, as derived from section 2 of an act approved March 27, 1890, entitled, "An Act providing for organization, classification, incorporation and government of municipal corporations, and declaring an emergency.", is amended to read as follows:

Petition  
for incorpo-  
ration;  
signatures.

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

Presentment  
to county  
auditor.

Amendment.

SEC. 2. Section 35.02.030, RCW, as derived from section 2 of an act approved March 27, 1890, entitled, "An Act providing for organization, classification, incorporation and government of municipal corporations, and declaring an emergency.", is amended to read as follows:

Petition  
for incorpo-  
ration;  
contents.

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

Amendment.

SEC. 3. Section 35.02.040, RCW, as derived from section 2 of an act approved March 27, 1890, entitled,

“An Act providing for organization, classification, incorporation and government of municipal corporations, and declaring an emergency.”, is amended to read as follows:

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

Notice of hearing on incorporation petition.

SEC. 4. Section 35.02.080, RCW, as derived from section 2 of an act approved March 27, 1890, entitled “An Act providing for organization, classification, incorporation and government of municipal corporations, and declaring an emergency.”, is amended to read as follows:

Amendment.

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

Election; issues.

Conduct of and canvass.

SEC. 5. Section 35.02.100, RCW, as derived from section 2 of an act approved March 27, 1890, entitled “An Act providing for organization, classification, incorporation and government of municipal corporations, and declaring an emergency.”, is amended to read as follows:

Amendment.

The notice of election shall be given as provided by RCW 29.27.080 but shall further describe the boundaries of the proposed city or town, its name

Notice of election.

and the number of inhabitants, ascertained by the board of county commissioners to reside therein.

Amendment.

SEC. 6. Section 35.02.120, RCW, as derived from section 3 of an act approved March 27, 1890, entitled "An Act providing for organization, classification, incorporation and government of municipal corporations, and declaring an emergency.", is amended to read as follows:

Election; certification.

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

Declaration of incorporation order.

Filing certified copy of order.

Amendment.

SEC. 7. Section 35.02.130, RCW, as derived from section 3 of an act approved March 27, 1890, entitled "An Act providing for organization, classification, incorporation and government of municipal corporations, and declaring an emergency.", is amended to read as follows:

Effective date of incorporation.

The incorporation shall be complete upon the filing of the order of the board of county commissioners declaring it so, in the office of the secretary of state. The county auditor shall issue certificates of election to the successful candidates on or before the twentieth day following an election and said newly elected officials shall assume office on the first Monday following the issuance of the certificate of election and shall continue in office until their successors are elected and qualified at the next general municipal election to be held on the second Tuesday of March of the first even numbered year following the incorporation election: *Provided, however,* Should the incorporation election be held on or after

Certificates of election.

Terms of office of elected officials.

Subsequent election dates.

January first and before the second Tuesday of March of any even numbered year, the first general municipal election shall not be held until the subsequent even numbered year.

SEC. 8. There is hereby added to chapter 35.02, RCW, a new section to read as follows: New section.

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

SEC. 9. There is hereby added to chapter 35.02, RCW, a new section to read as follows: New section.

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

SEC. 10. Section 35.02.085, RCW, being section 1, chapter 86, Laws of 1951, is hereby repealed.

Passed the Senate March 7, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 19, 1953.