
SUBSTITUTE HOUSE BILL 1544

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Appelwick and Johanson)

Read first time 03/03/93.

1 AN ACT Relating to uniform criminal penalties; amending RCW
2 35.20.030, 35.22.280, 35.23.440, 35.24.290, 35.27.370, 35A.11.020, and
3 36.32.120; adding a new section to chapter 35.21 RCW; adding a new
4 section to chapter 36.01 RCW; repealing RCW 35.24.230 and 35.27.320;
5 and providing an effective date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW
8 to read as follows:

9 Except as limited by the maximum penalty authorized by law, no
10 city, code city, or town, may establish a penalty for an act that
11 constitutes a crime under state law that is different from the penalty
12 prescribed for that crime by state statute.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.01 RCW
14 to read as follows:

15 Except as limited by the maximum penalty authorized by law, no
16 county may establish a penalty for an act that constitutes a crime

1 under state law that is different from the penalty prescribed for that
2 crime by state statute.

3 **Sec. 3.** RCW 35.20.030 and 1984 c 258 s 801 are each amended to
4 read as follows:

5 The municipal court shall have jurisdiction to try violations of
6 all city ordinances and all other actions brought to enforce or recover
7 license penalties or forfeitures declared or given by any such
8 ordinances. It is empowered to forfeit cash bail or bail bonds and
9 issue execution thereon, to hear and determine all causes, civil or
10 criminal, arising under such ordinances, and to pronounce judgment in
11 accordance therewith: PROVIDED, That for a violation of the criminal
12 provisions of an ordinance no greater punishment shall be imposed than
13 a fine of five thousand dollars or imprisonment in the city jail not to
14 exceed one year, or both such fine and imprisonment, but the punishment
15 for any criminal ordinance shall be the same as the punishment provided
16 in state law for the same crime. All civil and criminal proceedings in
17 municipal court, and judgments rendered therein, shall be subject to
18 review in the superior court by writ of review or on appeal: PROVIDED,
19 That an appeal from the court's determination or order in a traffic
20 infraction proceeding may be taken only in accordance with RCW
21 46.63.090(5). Costs in civil and criminal cases may be taxed as
22 provided in district courts.

23 **Sec. 4.** RCW 35.22.280 and 1990 c 189 s 3 are each amended to read
24 as follows:

25 Any city of the first class shall have power:

26 (1) To provide for general and special elections, for questions to
27 be voted upon, and for the election of officers;

28 (2) To provide for levying and collecting taxes on real and
29 personal property for its corporate uses and purposes, and to provide
30 for the payment of the debts and expenses of the corporation;

31 (3) To control the finances and property of the corporation, and to
32 acquire, by purchase or otherwise, such lands and other property as may
33 be necessary for any part of the corporate uses provided for by its
34 charter, and to dispose of any such property as the interests of the
35 corporation may, from time to time, require;

36 (4) To borrow money for corporate purposes on the credit of the
37 corporation, and to issue negotiable bonds therefor, on such conditions

1 and in such manner as shall be prescribed in its charter; but no city
2 shall, in any manner or for any purpose, become indebted to an amount
3 in the aggregate to exceed the limitation of indebtedness prescribed by
4 chapter 39.36 RCW as now or hereafter amended;

5 (5) To issue bonds in place of or to supply means to meet maturing
6 bonds or other indebtedness, or for the consolidation or funding of the
7 same;

8 (6) To purchase or appropriate private property within or without
9 its corporate limits, for its corporate uses, upon making just
10 compensation to the owners thereof, and to institute and maintain such
11 proceedings as may be authorized by the general laws of the state for
12 the appropriation of private property for public use;

13 (7) To lay out, establish, open, alter, widen, extend, grade, pave,
14 plank, establish grades, or otherwise improve streets, alleys, avenues,
15 sidewalks, wharves, parks, and other public grounds, and to regulate
16 and control the use thereof, and to vacate the same, and to authorize
17 or prohibit the use of electricity at, in, or upon any of said streets,
18 or for other purposes, and to prescribe the terms and conditions upon
19 which the same may be so used, and to regulate the use thereof;

20 (8) To change the grade of any street, highway, or alley within its
21 corporate limits, and to provide for the payment of damages to any
22 abutting owner or owners who shall have built or made other
23 improvements upon such street, highway, or alley at any point opposite
24 to the point where such change shall be made with reference to the
25 grade of such street, highway, or alley as the same existed prior to
26 such change;

27 (9) To authorize or prohibit the locating and constructing of any
28 railroad or street railroad in any street, alley, or public place in
29 such city, and to prescribe the terms and conditions upon which any
30 such railroad or street railroad shall be located or constructed; to
31 provide for the alteration, change of grade, or removal thereof; to
32 regulate the moving and operation of railroad and street railroad
33 trains, cars, and locomotives within the corporate limits of said city;
34 and to provide by ordinance for the protection of all persons and
35 property against injury in the use of such railroads or street
36 railroads;

37 (10) To provide for making local improvements, and to levy and
38 collect special assessments on property benefited thereby, and for
39 paying for the same or any portion thereof;

1 (11) To acquire, by purchase or otherwise, lands for public parks
2 within or without the limits of such city, and to improve the same.
3 When the language of any instrument by which any property is so
4 acquired limits the use of said property to park purposes and contains
5 a reservation of interest in favor of the grantor or any other person,
6 and where it is found that the property so acquired is not needed for
7 park purposes and that an exchange thereof for other property to be
8 dedicated for park purposes is in the public interest, the city may,
9 with the consent of the grantor or such other person, his heirs,
10 successors, or assigns, exchange such property for other property to be
11 dedicated for park purposes, and may make, execute, and deliver proper
12 conveyances to effect the exchange. In any case where, owing to death
13 or lapse of time, there is neither donor, heir, successor, or assignee
14 to give consent, this consent may be executed by the city and filed for
15 record with an affidavit setting forth all efforts made to locate
16 people entitled to give such consent together with the facts which
17 establish that no consent by such persons is attainable. Title to
18 property so conveyed by the city shall vest in the grantee free and
19 clear of any trust in favor of the public arising out of any prior
20 dedication for park purposes, but the right of the public shall be
21 transferred and preserved with like force and effect to the property
22 received by the city in such exchange;

23 (12) To construct and keep in repair bridges, viaducts, and
24 tunnels, and to regulate the use thereof;

25 (13) To determine what work shall be done or improvements made at
26 the expense, in whole or in part, of the owners of the adjoining
27 contiguous, or proximate property, or others specially benefited
28 thereby; and to provide for the manner of making and collecting
29 assessments therefor;

30 (14) To provide for erecting, purchasing, or otherwise acquiring
31 waterworks, within or without the corporate limits of said city, to
32 supply said city and its inhabitants with water, or authorize the
33 construction of same by others when deemed for the best interests of
34 such city and its inhabitants, and to regulate and control the use and
35 price of the water so supplied;

36 (15) To provide for lighting the streets and all public places, and
37 for furnishing the inhabitants thereof with gas or other lights, and to
38 erect, or otherwise acquire, and to maintain the same, or to authorize

1 the erection and maintenance of such works as may be necessary and
2 convenient therefor, and to regulate and control the use thereof;

3 (16) To establish and regulate markets, and to provide for the
4 weighing, measuring, and inspection of all articles of food and drink
5 offered for sale thereat, or at any other place within its limits, by
6 proper penalties, and to enforce the keeping of proper legal weights
7 and measures by all vendors in such city, and to provide for the
8 inspection thereof. Whenever the words "public markets" are used in
9 this chapter, and the public market is managed in whole or in part by
10 a public corporation created by a city, the words shall be construed to
11 include all real or personal property located in a district or area
12 designated by a city as a public market and traditionally devoted to
13 providing farmers, crafts vendors and other merchants with retail space
14 to market their wares to the public. Property located in such a
15 district or area need not be exclusively or primarily used for such
16 traditional public market retail activities and may include property
17 used for other public purposes including, but not limited to, the
18 provision of human services and low-income or moderate-income housing;

19 (17) To erect and establish hospitals and pesthouses, and to
20 control and regulate the same;

21 (18) To provide for establishing and maintaining reform schools for
22 juvenile offenders;

23 (19) To provide for the establishment and maintenance of public
24 libraries, and to appropriate, annually, such percent of all moneys
25 collected for fines, penalties, and licenses as shall be prescribed by
26 its charter, for the support of a city library, which shall, under such
27 regulations as shall be prescribed by ordinance, be open for use by the
28 public;

29 (20) To regulate the burial of the dead, and to establish and
30 regulate cemeteries within or without the corporate limits, and to
31 acquire land therefor by purchase or otherwise; to cause cemeteries to
32 be removed beyond the limits of the corporation, and to prohibit their
33 establishment within two miles of the boundaries thereof;

34 (21) To direct the location and construction of all buildings in
35 which any trade or occupation offensive to the senses or deleterious to
36 public health or safety shall be carried on, and to regulate the
37 management thereof; and to prohibit the erection or maintenance of such
38 buildings or structures, or the carrying on of such trade or occupation

1 within the limits of such corporation, or within the distance of two
2 miles beyond the boundaries thereof;

3 (22) To provide for the prevention and extinguishment of fires and
4 to regulate or prohibit the transportation, keeping, or storage of all
5 combustible or explosive materials within its corporate limits, and to
6 regulate and restrain the use of fireworks;

7 (23) To establish fire limits and to make all such regulations for
8 the erection and maintenance of buildings or other structures within
9 its corporate limits as the safety of persons or property may require,
10 and to cause all such buildings and places as may from any cause be in
11 a dangerous state to be put in safe condition;

12 (24) To regulate the manner in which stone, brick, and other
13 buildings, party walls, and partition fences shall be constructed and
14 maintained;

15 (25) To deepen, widen, dock, cover, wall, alter, or change the
16 channels of waterways and courses, and to provide for the construction
17 and maintenance of all such works as may be required for the
18 accommodation of commerce, including canals, slips, public landing
19 places, wharves, docks, and levees, and to control and regulate the use
20 thereof;

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

24 (27) To fix the rates of wharfage and dockage, and to provide for
25 the collection thereof, and to provide for the imposition and
26 collection of such harbor fees as may be consistent with the laws of
27 the United States;

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

30 (29) To require the owners of public halls or other buildings to
31 provide suitable means of exit; to provide for the prevention and
32 abatement of nuisances, for the cleaning and purification of
33 watercourses and canals, for the drainage and filling up of ponds on
34 private property within its limits, when the same shall be offensive to
35 the senses or dangerous to health; to regulate and control, and to
36 prevent and punish, the defilement or pollution of all streams running
37 through or into its corporate limits, and for the distance of five
38 miles beyond its corporate limits, and on any stream or lake from which
39 the water supply of said city is taken, for a distance of five miles

1 beyond its source of supply; to provide for the cleaning of areas,
2 vaults, and other places within its corporate limits which may be so
3 kept as to become offensive to the senses or dangerous to health, and
4 to make all such quarantine or other regulations as may be necessary
5 for the preservation of the public health, and to remove all persons
6 afflicted with any infectious or contagious disease to some suitable
7 place to be provided for that purpose;

8 (30) To declare what shall be a nuisance, and to abate the same,
9 and to impose fines upon parties who may create, continue, or suffer
10 nuisances to exist;

11 (31) To regulate the selling or giving away of intoxicating, malt,
12 vinous, mixed, or fermented liquors as authorized by the general laws
13 of the state: PROVIDED, That no license shall be granted to any person
14 or persons who shall not first comply with the general laws of the
15 state in force at the time the same is granted;

16 (32) To grant licenses for any lawful purpose, and to fix by
17 ordinance the amount to be paid therefor, and to provide for revoking
18 the same: PROVIDED, That no license shall be granted to continue for
19 longer than one year from the date thereof;

20 (33) To regulate the carrying on within its corporate limits of all
21 occupations which are of such a nature as to affect the public health
22 or the good order of said city, or to disturb the public peace, and
23 which are not prohibited by law, and to provide for the punishment of
24 all persons violating such regulations, and of all persons who
25 knowingly permit the same to be violated in any building or upon any
26 premises owned or controlled by them;

27 (34) To restrain and provide for the punishment of vagrants,
28 mendicants, prostitutes, and other disorderly persons;

29 (35) To provide for the punishment of all disorderly conduct, and
30 of all practices dangerous to public health or safety, and to make all
31 regulations necessary for the preservation of public morality, health,
32 peace, and good order within its limits, and to provide for the arrest,
33 trial, and punishment of all persons charged with violating any of the
34 ordinances of said city. The punishment shall not exceed a fine of
35 five thousand dollars or imprisonment in the city jail for one year, or
36 both such fine and imprisonment. The punishment for any criminal
37 ordinance shall be the same as the punishment provided in state law for
38 the same crime. Such cities alternatively may provide that violations
39 of ordinances constitute a civil violation subject to monetary

1 penalties, but no act which is a state crime may be made a civil
2 violation;

3 (36) To project or extend its streets over and across any tidelands
4 within its corporate limits, and along or across the harbor areas of
5 such city, in such manner as will best promote the interests of
6 commerce;

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

9 **Sec. 5.** RCW 35.23.440 and 1986 c 278 s 4 are each amended to read
10 as follows:

11 The city council of each second class city shall have power and
12 authority:

13 (1) Ordinances: To make and pass all ordinances, orders, and
14 resolutions not repugnant to the Constitution of the United States or
15 the state of Washington, or the provisions of this title, necessary for
16 the municipal government and management of the affairs of the city, for
17 the execution of the powers vested in said body corporate, and for the
18 carrying into effect of the provisions of this title.

19 (2) License of shows: To fix and collect a license tax, for the
20 purposes of revenue and regulation, on theatres, melodeons, balls,
21 concerts, dances, theatrical, circus, or other performances, and all
22 performances where an admission fee is charged, or which may be held in
23 any house or place where wines or liquors are sold to the
24 participators; also all shows, billiard tables, pool tables, bowling
25 alleys, exhibitions, or amusements.

26 (3) Hotels, etc., licenses: To fix and collect a license tax for
27 the purposes of revenue and regulation on and to regulate all taverns,
28 hotels, restaurants, banks, brokers, manufactories, livery stables,
29 express companies and persons engaged in transmitting letters or
30 packages, railroad, stage, and steamboat companies or owners, whose
31 principal place of business is in such city, or who have an agency
32 therein.

33 (4) Peddlers', etc., licenses: To license, for the purposes of
34 revenue and regulation, tax, prohibit, suppress, and regulate all
35 raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands,
36 booths, or sheds; and to regulate as authorized by state law all
37 tippling houses, dram shops, saloons, bars, and barrooms.

1 (5) Dance houses: To prohibit or suppress, or to license and
2 regulate all dance houses, fandango houses, or any exhibition or show
3 of any animal or animals.

4 (6) License vehicles: To license for the purposes of revenue and
5 regulation, and to tax hackney coaches, cabs, omnibuses, drays, market
6 wagons, and all other vehicles used for hire, and to regulate their
7 stands, and to fix the rates to be charged for the transportation of
8 persons, baggage, and property.

9 (7) Hotel runners: To license or suppress runners for steamboats,
10 taverns, or hotels.

11 (8) License generally: To fix and collect a license tax for the
12 purposes of revenue and regulation, upon all occupations and trades,
13 and all and every kind of business authorized by law not heretofore
14 specified: PROVIDED, That on any business, trade, or calling not
15 provided by law to be licensed for state and county purposes, the
16 amount of license shall be fixed at the discretion of the city council,
17 as they may deem the interests and good order of the city may require.

18 (9) Riots: To prevent and restrain any riot or riotous
19 assemblages, disturbance of the peace, or disorderly conduct in any
20 place, house, or street in the city.

21 (10) Nuisances: To declare what shall be deemed nuisances; to
22 prevent, remove, and abate nuisances at the expense of the parties
23 creating, causing, or committing or maintaining the same, and to levy
24 a special assessment on the land or premises whereon the nuisance is
25 situated to defray the cost or to reimburse the city for the cost of
26 abating the same.

27 (11) Stock pound: To establish, maintain, and regulate a common
28 pound for estrays, and to appoint a poundkeeper, who shall be paid out
29 of the fines and fees imposed and collected of the owners of any
30 animals impounded, and from no other source; to prevent and regulate
31 the running at large of any and all domestic animals within the city
32 limits or any parts thereof, and to regulate or prevent the keeping of
33 such animals within any part of the city.

34 (12) Control of certain trades: To control and regulate
35 slaughterhouses, washhouses, laundries, tanneries, forges, and
36 offensive trades, and to provide for their exclusion or removal from
37 the city limits, or from any part thereof.

38 (13) Street cleaning: To provide, by regulation, for the
39 prevention and summary removal of all filth and garbage in streets,

1 sloughs, alleys, back yards, or public grounds of such city, or
2 elsewhere therein.

3 (14) Gambling, etc.: To prohibit and suppress all gaming and all
4 gambling or disorderly houses, and houses of ill fame, and all immoral
5 and indecent amusements, exhibitions, and shows.

6 (15) Markets: To establish and regulate markets and market places.

7 (16) Speed of railroad cars: To fix and regulate the speed at
8 which any railroad cars, streetcars, automobiles, or other vehicles may
9 run within the city limits, or any portion thereof.

10 (17) City commons: To provide for and regulate the commons of the
11 city.

12 (18) Fast driving: To regulate or prohibit fast driving or riding
13 in any portion of the city.

14 (19) Combustibles: To regulate or prohibit the loading or storage
15 of gunpowder and combustible or explosive materials in the city, or
16 transporting the same through its streets or over its waters.

17 (20) Property: To have, purchase, hold, use, and enjoy property of
18 every name or kind whatsoever, and to sell, lease, transfer, mortgage,
19 convey, control, or improve the same; to build, erect, or construct
20 houses, buildings, or structures of any kind needful for the use or
21 purposes of such city.

22 (21) Fire department: To establish, continue, regulate, and
23 maintain a fire department for such city, to change or reorganize the
24 same, and to disband any company or companies of the said department;
25 also, to discontinue and disband said fire department, and to create,
26 organize, establish, and maintain a paid fire department for such city.

27 (22) Water supply: To adopt, enter into, and carry out means for
28 securing a supply of water for the use of such city or its inhabitants,
29 or for irrigation purposes therein.

30 (23) Overflow of water: To prevent the overflow of the city or to
31 secure its drainage, and to assess the cost thereof to the property
32 benefited.

33 (24) House numbers: To provide for the numbering of houses.

34 (25) Health board: To establish a board of health; to prevent the
35 introduction and spread of disease; to establish a city infirmary and
36 to provide for the indigent sick; and to provide and enforce
37 regulations for the protection of health, cleanliness, peace, and good
38 order of the city; to establish and maintain hospitals within or

1 without the city limits; to control and regulate interments and to
2 prohibit them within the city limits.

3 (26) Harbors and wharves: To build, alter, improve, keep in
4 repair, and control the waterfront; to erect, regulate, and repair
5 wharves, and to fix the rate of wharfage and transit of wharf, and levy
6 dues upon vessels and commodities; and to provide for the regulation of
7 berths, landing, stationing, and removing steamboats, sail vessels,
8 rafts, barges, and all other watercraft; to fix the rate of speed at
9 which steamboats and other steam watercraft may run along the
10 waterfront of the city; to build bridges so as not to interfere with
11 navigation; to provide for the removal of obstructions to the
12 navigation of any channel or watercourses or channels.

13 (27) License of steamers: To license steamers, boats, and vessels
14 used in any watercourse in the city, and to fix and collect a license
15 tax thereon.

16 (28) Ferry licenses: To license ferries and toll bridges under the
17 law regulating the granting of such license.

18 (29) Penalty for violation of ordinances: To provide that
19 violations of ordinances with the punishment for any offense not
20 exceeding a fine of five thousand dollars or imprisonment for more than
21 one year, or both fine and imprisonment, but the punishment for any
22 criminal ordinance shall be the same as the punishment provided in
23 state law for the same crime. Alternatively, such a city may provide
24 that a violation of an ordinance constitutes a civil violation subject
25 to monetary penalties or to determine and impose fines for forfeitures
26 and penalties ((that shall be incurred for the breach or violation of
27 any city ordinance, notwithstanding that the act constituting a
28 violation of any such ordinance may also be punishable under the state
29 laws, and also for a violation of the provisions of this chapter, when
30 no penalty is affixed thereto or provided by law, and to appropriate
31 all such fines, penalties, and forfeitures for the benefit of the city;
32 but no penalty to be enforced shall exceed for any offense the amount
33 of five thousand dollars or imprisonment for one year, or both; and
34 every violation of any lawful order, regulation, or ordinance of the
35 city council of such city is hereby declared a misdemeanor or public
36 offense, and all prosecutions for the same may be in the name of the
37 state of Washington: PROVIDED, That)), but no act which is a state
38 crime may be made a civil violation. A violation of an order,
39 regulation, or ordinance relating to traffic including parking,

1 standing, stopping, and pedestrian offenses is a traffic infraction,
2 except that violation of an order, regulation, or ordinance equivalent
3 to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains
4 a misdemeanor.

5 (30) Police department: To create and establish a city police; to
6 prescribe their duties and their compensation; and to provide for the
7 regulation and government of the same.

8 (31) Elections: To provide for conducting elections and
9 establishing election precincts when necessary, to be as near as may be
10 in conformity with the state law.

11 (32) Examine official accounts: To examine, either in open session
12 or by committee, the accounts or doings of all officers or other
13 persons having the care, management, or disposition of moneys,
14 property, or business of the city.

15 (33) Contracts: To make all appropriations, contracts, or
16 agreements for the use or benefit of the city and in the city's name.

17 (34) Streets and sidewalks: To provide by ordinance for the
18 opening, laying out, altering, extending, repairing, grading, paving,
19 planking, graveling, macadamizing, or otherwise improving of public
20 streets, avenues, and other public ways, or any portion of any thereof;
21 and for the construction, regulation, and repair of sidewalks and other
22 street improvements, all at the expense of the property to be benefited
23 thereby, without any recourse, in any event, upon the city for any
24 portion of the expense of such work, or any delinquency of the property
25 holders or owners, and to provide for the forced sale thereof for such
26 purposes; to establish a uniform grade for streets, avenues, sidewalks,
27 and squares, and to enforce the observance thereof.

28 (35) Waterways: To clear, cleanse, alter, straighten, widen, fill
29 up, or close any waterway, drain, or sewer, or any watercourse in such
30 city when not declared by law to be navigable, and to assess the
31 expense thereof, in whole or in part, to the property specially
32 benefited.

33 (36) Sewerage: To adopt, provide for, establish, and maintain a
34 general system of sewerage, draining, or both, and the regulation
35 thereof; to provide funds by local assessments on the property
36 benefited for the purpose aforesaid and to determine the manner, terms,
37 and place of connection with main or central lines of pipes, sewers, or
38 drains established, and compel compliance with and conformity to such
39 general system of sewerage or drainage, or both, and the regulations of

1 said council thereto relating, by the infliction of suitable penalties
2 and forfeitures against persons and property, or either, for
3 nonconformity to, or failure to comply with the provisions of such
4 system and regulations or either.

5 (37) Buildings and parks: To provide for all public buildings,
6 public parks, or squares, necessary or proper for the use of the city.

7 (38) Franchises: To permit the use of the streets for railroad or
8 other public service purposes.

9 (39) Payment of judgments: To order paid any final judgment
10 against such city, but none of its lands or property of any kind or
11 nature, taxes, revenue, franchise, or rights, or interest, shall be
12 attached, levied upon, or sold in or under any process whatsoever.

13 (40) Weighing of fuel: To regulate the sale of coal and wood in
14 such city, and may appoint a measurer of wood and weigher of coal for
15 the city, and define his duties, and may prescribe his term of office,
16 and the fees he shall receive for his services: PROVIDED, That such
17 fees shall in all cases be paid by the parties requiring such service.

18 (41) Hospitals, etc.: To erect and establish hospitals and
19 pesthouses and to control and regulate the same.

20 (42) Waterworks: To provide for the erection, purchase, or
21 otherwise acquiring of waterworks within or without the corporate
22 limits of the city to supply such city and its inhabitants with water,
23 and to regulate and control the use and price of the water so supplied.

24 (43) City lights: To provide for lighting the streets and all
25 public places of the city and for furnishing the inhabitants of the
26 city with gas, electric, or other light, and for the ownership,
27 purchase or acquisition, construction, or maintenance of such works as
28 may be necessary or convenient therefor: PROVIDED, That no purchase of
29 any such water plant or light plant shall be made without first
30 submitting the question of such purchase to the electors of the city.

31 (44) Parks: To acquire by purchase or otherwise land for public
32 parks, within or without the limits of the city, and to improve the
33 same.

34 (45) Bridges: To construct and keep in repair bridges, and to
35 regulate the use thereof.

36 (46) Power of eminent domain: In the name of and for the use and
37 benefit of the city, to exercise the right of eminent domain, and to
38 condemn lands and property for the purposes of streets, alleys, parks,
39 public grounds, waterworks, or for any other municipal purpose and to

1 acquire by purchase or otherwise such lands and property as may be
2 deemed necessary for any of the corporate uses provided for by this
3 title, as the interests of the city may from time to time require.

4 (47) To provide for the assessment of taxes: To provide for the
5 assessment, levying, and collecting of taxes on real and personal
6 property for the corporate uses and purposes of the city and to provide
7 for the payment of the debts and expenses of the corporation.

8 (48) Local improvements: To provide for making local improvements,
9 and to levy and collect special assessments on the property benefited
10 thereby and for paying the same or any portion thereof; to determine
11 what work shall be done or improvements made, at the expense, in whole
12 or in part, of the adjoining, contiguous, or proximate property, and to
13 provide for the manner of making and collecting assessments therefor.

14 (49) Cemeteries: To regulate the burial of the dead and to
15 establish and regulate cemeteries, within or without the corporate
16 limits, and to acquire lands therefor by purchase or otherwise.

17 (50) Fire limits: To establish fire limits with proper regulations
18 and to make all needful regulations for the erection and maintenance of
19 buildings or other structures within the corporate limits as safety of
20 persons or property may require, and to cause all such buildings and
21 places as may from any cause be in a dangerous state to be put in a
22 safe condition; to regulate the manner in which stone, brick, and other
23 buildings, party walls, and partition fences shall be constructed and
24 maintained.

25 (51) Safety and sanitary measures: To require the owners of public
26 halls, theaters, hotels, and other buildings to provide suitable means
27 of exit and proper fire escapes; to provide for the cleaning and
28 purification of watercourses and canals and for the draining and
29 filling up of ponds on private property within its limits when the same
30 shall be offensive to the senses or dangerous to the health, and to
31 charge the expense thereof to the property specially benefited, and to
32 regulate and control and provide for the prevention and punishment of
33 the defilement or pollution of all streams running in or through its
34 corporate limits and a distance of five miles beyond its corporate
35 limits, and of any stream or lake from which the water supply of the
36 city is or may be taken and for a distance of five miles beyond its
37 source of supply, and to make all quarantine and other regulations as
38 may be necessary for the preservation of the public health and to

1 remove all persons afflicted with any contagious disease to some
2 suitable place to be provided for that purpose.

3 (52) To regulate liquor traffic: To regulate the selling or giving
4 away of intoxicating, spirituous, malt, vinous, mixed, or fermented
5 liquors as authorized by the general laws of the state.

6 (53) To establish streets on tidelands: To project or extend or
7 establish streets over and across any tidelands within the limits of
8 such city.

9 (54) To provide for the general welfare.

10 **Sec. 6.** RCW 35.24.290 and 1986 c 278 s 5 are each amended to read
11 as follows:

12 The city council of each third class city shall have power:

13 (1) To pass ordinances not in conflict with the Constitution and
14 laws of this state or of the United States;

15 (2) To prevent and regulate the running at large of any or all
16 domestic animals within the city limits or any part thereof and to
17 cause the impounding and sale of any such animals;

18 (3) To establish, build and repair bridges, to establish, lay out,
19 alter, keep open, open, widen, vacate, improve and repair streets,
20 sidewalks, alleys, squares and other public highways and places within
21 the city, and to drain, sprinkle and light the same; to remove all
22 obstructions therefrom; to establish and reestablish the grades
23 thereof; to grade, plank, pave, macadamize, gravel and curb the same,
24 in whole or in part; to construct gutters, culverts, sidewalks and
25 crosswalks therein or upon any part thereof; to cultivate and maintain
26 parking strips therein, and generally to manage and control all such
27 highways and places; to provide by local assessment for the leveling up
28 and surfacing and oiling or otherwise treating for the laying of dust,
29 all streets within the city limits;

30 (4) To establish, construct and maintain drains and sewers, and
31 shall have power to compel all property owners on streets and alleys or
32 within two hundred feet thereof along which sewers shall have been
33 constructed to make proper connections therewith and to use the same
34 for proper purposes, and in case the owners of the property on such
35 streets and alleys or within two hundred feet thereof fail to make such
36 connections within the time fixed by such council, it may cause such
37 connections to be made and assess against the property served thereby
38 the costs and expenses thereof;

1 (5) To provide fire engines and all other necessary or proper
2 apparatus for the prevention and extinguishment of fires;

3 (6) To impose and collect an annual license on every dog within the
4 limits of the city, to prohibit dogs running at large and to provide
5 for the killing of all dogs not duly licensed found at large;

6 (7) To license, for the purposes of regulation and revenue, all and
7 every kind of business authorized by law, and transacted and carried on
8 in such city, and all shows, exhibitions and lawful games carried on
9 therein and within one mile of the corporate limits thereof, to fix the
10 rate of license tax upon the same, and to provide for the collection of
11 the same by suit or otherwise;

12 (8) To improve rivers and streams flowing through such city, or
13 adjoining the same; to widen, straighten and deepen the channel
14 thereof, and remove obstructions therefrom; to improve the water-front
15 of the city, and to construct and maintain embankments and other works
16 to protect such city from overflow; to prevent the filling of the water
17 of any bay, except such filling over tide or shorelands as may be
18 provided for by order of the city council; to purify and prevent the
19 pollution of streams of water, lakes or other sources of supply, and
20 for this purpose shall have jurisdiction over all streams, lakes or
21 other sources of supply, both within and without the city limits. Such
22 city shall have power to provide by ordinance and to enforce such
23 punishment or penalty as the city council may deem proper for the
24 offense of polluting or in any manner obstructing or interfering with
25 the water supply of such city or source thereof;

26 (9) To erect and maintain buildings for municipal purposes;

27 (10) To permit, under such restrictions as it may deem proper, and
28 to grant franchises for, the laying of railroad tracks, and the running
29 of cars propelled by electric, steam or other power thereon, and the
30 laying of gas and water pipes and steam mains and conduits for
31 underground wires, and to permit the construction of tunnels or subways
32 in the public streets, and to construct and maintain and to permit the
33 construction and maintenance of telegraph, telephone and electric lines
34 therein;

35 (11) In its discretion to divide the city by ordinance, into a
36 convenient number of wards, not exceeding six, to fix the boundaries
37 thereof, and to change the same from time to time: PROVIDED, That no
38 change in the boundaries of any ward shall be made within sixty days
39 next before the date of a general municipal election, nor within twenty

1 months after the wards have been established or altered. Whenever such
2 city is so divided into wards, the city council shall designate by
3 ordinance the number of councilmen to be elected from each ward,
4 apportioning the same in proportion to the population of the wards.
5 Thereafter the councilmen so designated shall be elected by the
6 qualified electors resident in such ward, or by general vote of the
7 whole city as may be designated in such ordinance. When additional
8 territory is added to the city it may by act of the council, be annexed
9 to contiguous wards without affecting the right to redistrict at the
10 expiration of twenty months after last previous division. The removal
11 of a councilman from the ward for which he was elected shall create a
12 vacancy in such office;

13 (12) To impose fines, penalties and forfeitures for any and all
14 violations of ordinances, and for any breach or violation of any
15 ordinance to fix the penalty by fine or imprisonment, or both, but no
16 such fine shall exceed five thousand dollars nor the term of such
17 imprisonment exceed the term of one year, except that the punishment
18 for any criminal ordinance shall be the same as the punishment provided
19 in state law for the same crime; or to provide that violations of
20 ordinances constitute a civil violation subject to monetary penalty,
21 but no act that is a state crime may be made a civil violation;

22 (13) To establish fire limits, with proper regulations;

23 (14) To establish and maintain a free public library;

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

25 (16) To punish the keepers and inmates and lessors of houses of ill
26 fame, gamblers and keepers of gambling tables, patrons thereof or those
27 found loitering about such houses and places;

28 (17) To make all such ordinances, bylaws, rules, regulations and
29 resolutions, not inconsistent with the Constitution and laws of the
30 state of Washington, as may be deemed expedient to maintain the peace,
31 good government and welfare of the corporation and its trade, commerce
32 and manufactures, and to do and perform any and all other acts and
33 things necessary or proper to carry out the provisions of this chapter,
34 and to enact and enforce within the limits of such city all other
35 local, police, sanitary and other regulations as do not conflict with
36 general laws;

37 (18) To license steamers, boats and vessels used in any bay or
38 other watercourse in the city and to fix and collect such license; to
39 provide for the regulation of berths, landings, and stations, and for

1 the removing of steamboats, sail boats, sail vessels, rafts, barges and
2 other watercraft; to provide for the removal of obstructions to
3 navigation and of structures dangerous to navigation or to other
4 property, in or adjoining the waterfront, except in municipalities in
5 counties in which there is a city of the first class.

6 **Sec. 7.** RCW 35.27.370 and 1986 c 278 s 6 are each amended to read
7 as follows:

8 The council of said town shall have power:

9 (1) To pass ordinances not in conflict with the Constitution and
10 laws of this state, or of the United States;

11 (2) To purchase, lease or receive such real estate and personal
12 property as may be necessary or proper for municipal purposes, and to
13 control, dispose of and convey the same for the benefit of the town; to
14 acquire, own, and hold real estate for cemetery purposes either within
15 or without the corporate limits, to sell and dispose of such real
16 estate, to plat or replat such real estate into cemetery lots and to
17 sell and dispose of any and all lots therein, and to operate, improve
18 and maintain the same as a cemetery;

19 (3) To contract for supplying the town with water for municipal
20 purposes, or to acquire, construct, repair and manage pumps, aqueducts,
21 reservoirs, or other works necessary or proper for supplying water for
22 use of such town or its inhabitants, or for irrigating purposes
23 therein;

24 (4) To establish, build and repair bridges, to establish, lay out,
25 alter, widen, extend, keep open, improve, and repair streets,
26 sidewalks, alleys, squares and other public highways and places within
27 the town, and to drain, sprinkle and light the same; to remove all
28 obstructions therefrom; to establish the grades thereof; to grade,
29 pave, plank, macadamize, gravel and curb the same, in whole or in part,
30 and to construct gutters, culverts, sidewalks and crosswalks therein,
31 or on any part thereof; to cause to be planted, set out and cultivated
32 trees therein, and generally to manage and control all such highways
33 and places;

34 (5) To establish, construct and maintain drains and sewers, and
35 shall have power to compel all property owners on streets along which
36 sewers are constructed to make proper connections therewith, and to use
37 the same for proper purposes when such property is improved by the
38 erection thereon of a building or buildings; and in case the owners of

1 such improved property on such streets shall fail to make such
2 connections within the time fixed by such council, they may cause such
3 connections to be made, and to assess against the property in front of
4 which such connections are made the costs and expenses thereof;

5 (6) To provide fire engines and all other necessary or proper
6 apparatus for the prevention and extinguishment of fires;

7 (7) To impose and collect an annual license on every dog within the
8 limits of the town, to prohibit dogs running at large, and to provide
9 for the killing of all dogs found at large and not duly licensed;

10 (8) To levy and collect annually a property tax, for the payment of
11 current expenses and for the payment of indebtedness (if any
12 indebtedness exists) within the limits authorized by law;

13 (9) To license, for purposes of regulation and revenue, all and
14 every kind of business, authorized by law and transacted and carried on
15 in such town; and all shows, exhibitions and lawful games carried on
16 therein and within one mile of the corporate limits thereof; to fix the
17 rate of license tax upon the same, and to provide for the collection of
18 the same, by suit or otherwise; to regulate, restrain, or prohibit the
19 running at large of any and all domestic animals within the city
20 limits, or any part or parts thereof, and to regulate the keeping of
21 such animals within any part of the city; to establish, maintain and
22 regulate a common pound for estrays, and to appoint a poundkeeper, who
23 shall be paid out of the fines and fees imposed on, and collected from,
24 the owners of any impounded stock;

25 (10) To improve the rivers and streams flowing through such town or
26 adjoining the same; to widen, straighten and deepen the channels
27 thereof, and to remove obstructions therefrom; to prevent the pollution
28 of streams or water running through such town, and for this purpose
29 shall have jurisdiction for two miles in either direction; to improve
30 the waterfront of the town, and to construct and maintain embankments
31 and other works to protect such town from overflow;

32 (11) To erect and maintain buildings for municipal purposes;

33 (12) To grant franchises or permits to use and occupy the surface,
34 the overhead and the underground of streets, alleys and other public
35 ways, under such terms and conditions as it shall deem fit, for any and
36 all purposes, including but not being limited to the construction,
37 maintenance and operation of railroads, street railways, transportation
38 systems, water, gas and steam systems, telephone and telegraph systems,

1 electric lines, signal systems, surface, aerial and underground
2 tramways;

3 (13) To punish the keepers and inmates and lessors of houses of ill
4 fame, and keepers and lessors of gambling houses and rooms and other
5 places where gambling is carried on or permitted, gamblers and keepers
6 of gambling tables;

7 (14) To impose fines, penalties and forfeitures for any and all
8 violations of ordinances, and for any breach or violation of any
9 ordinance, to fix the penalty by fine or imprisonment, or both; but no
10 such fine shall exceed five thousand dollars, nor the term of
11 imprisonment exceed one year, except that the punishment for any
12 criminal ordinance shall be the same as the punishment provided in
13 state law for the same crime; or to provide that violations of
14 ordinances constitute a civil violation subject to a monetary penalty,
15 but no act which is a state crime may be made a civil violation;

16 (15) To operate ambulance service which may serve the town and
17 surrounding rural areas and, in the discretion of the council, to make
18 a charge for such service;

19 (16) To make all such ordinances, bylaws, rules, regulations and
20 resolutions not inconsistent with the Constitution and laws of the
21 state of Washington, as may be deemed expedient to maintain the peace,
22 good government and welfare of the town and its trade, commerce and
23 manufacturers, and to do and perform any and all other acts and things
24 necessary or proper to carry out the provisions of this chapter.

25 **Sec. 8.** RCW 35A.11.020 and 1986 c 278 s 7 are each amended to read
26 as follows:

27 The legislative body of each code city shall have power to organize
28 and regulate its internal affairs within the provisions of this title
29 and its charter, if any; and to define the functions, powers, and
30 duties of its officers and employees; within the limitations imposed by
31 vested rights, to fix the compensation and working conditions of such
32 officers and employees and establish and maintain civil service, or
33 merit systems, retirement and pension systems not in conflict with the
34 provisions of this title or of existing charter provisions until
35 changed by the people: PROVIDED, That nothing in this section or in
36 this title shall permit any city, whether a code city or otherwise, to
37 enact any provisions establishing or respecting a merit system or
38 system of civil service for firemen and policemen which does not

1 substantially accomplish the same purpose as provided by general law in
2 chapter 41.08 RCW for firemen and chapter 41.12 RCW for policemen now
3 or as hereafter amended, or enact any provision establishing or
4 respecting a pension or retirement system for firemen or policemen
5 which provides different pensions or retirement benefits than are
6 provided by general law for such classes.

7 Such body may adopt and enforce ordinances of all kinds relating to
8 and regulating its local or municipal affairs and appropriate to the
9 good government of the city, and may impose penalties of fine not
10 exceeding five thousand dollars or imprisonment for any term not
11 exceeding one year, or both, for the violation of such ordinances,
12 constituting a misdemeanor or gross misdemeanor as provided therein.
13 However, the punishment for any criminal ordinance shall be the same as
14 the punishment provided in state law for the same crime. Such a body
15 alternatively may provide that violation of such ordinances constitutes
16 a civil violation subject to monetary penalty, but no act which is a
17 state crime may be made a civil violation.

18 The legislative body of each code city shall have all powers
19 possible for a city or town to have under the Constitution of this
20 state, and not specifically denied to code cities by law. By way of
21 illustration and not in limitation, such powers may be exercised in
22 regard to the acquisition, sale, ownership, improvement, maintenance,
23 protection, restoration, regulation, use, leasing, disposition,
24 vacation, abandonment or beautification of public ways, real property
25 of all kinds, waterways, structures, or any other improvement or use of
26 real or personal property, in regard to all aspects of collective
27 bargaining as provided for and subject to the provisions of chapter
28 41.56 RCW, as now or hereafter amended, and in the rendering of local
29 social, cultural, recreational, educational, governmental, or corporate
30 services, including operating and supplying of utilities and municipal
31 services commonly or conveniently rendered by cities or towns.

32 In addition and not in limitation, the legislative body of each
33 code city shall have any authority ever given to any class of
34 municipality or to all municipalities of this state before or after the
35 enactment of this title, such authority to be exercised in the manner
36 provided, if any, by the granting statute, when not in conflict with
37 this title. Within constitutional limitations, legislative bodies of
38 code cities shall have within their territorial limits all powers of
39 taxation for local purposes except those which are expressly preempted

1 by the state as provided in RCW 66.08.120, 82.36.440, 48.14.020, and
2 48.14.080.

3 **Sec. 9.** RCW 36.32.120 and 1989 c 378 s 39 are each amended to read
4 as follows:

5 The legislative authorities of the several counties shall:

6 (1) Provide for the erection and repairing of court houses, jails,
7 and other necessary public buildings for the use of the county;

8 (2) Lay out, discontinue, or alter county roads and highways within
9 their respective counties, and do all other necessary acts relating
10 thereto according to law, except within cities and towns which have
11 jurisdiction over the roads within their limits;

12 (3) License and fix the rates of ferriage; grant grocery and other
13 licenses authorized by law to be by them granted at fees set by the
14 legislative authorities which shall not exceed the costs of
15 administration and operation of such licensed activities;

16 (4) Fix the amount of county taxes to be assessed according to the
17 provisions of law, and cause the same to be collected as prescribed by
18 law: PROVIDED, That the legislative authority of a county may permit
19 all moneys, assessments, and taxes belonging to or collected for the
20 use of the state or any county, including any amounts representing
21 estimates for future assessments and taxes, to be deposited by any
22 taxpayer prior to the due date thereof with the treasurer or other
23 legal depository for the benefit of the funds to which they belong to
24 be credited against any future tax or assessment that may be levied or
25 become due from the taxpayer: PROVIDED FURTHER, That the taxpayer,
26 with the concurrence of the county legislative authority, may designate
27 the particular fund against which such prepayment of future tax or
28 assessment shall be credited;

29 (5) Allow all accounts legally chargeable against the county not
30 otherwise provided for, and audit the accounts of all officers having
31 the care, management, collection, or disbursement of any money
32 belonging to the county or appropriated to its benefit;

33 (6) Have the care of the county property and the management of the
34 county funds and business and in the name of the county prosecute and
35 defend all actions for and against the county, and such other powers as
36 are or may be conferred by law;

37 (7) Make and enforce, by appropriate resolutions or ordinances, all
38 such police and sanitary regulations as are not in conflict with state

1 law, and within the unincorporated area of the county may adopt by
2 reference Washington state statutes and recognized codes and/or
3 compilations printed in book form relating to the construction of
4 buildings, the installation of plumbing, the installation of electric
5 wiring, health, or other subjects, and may adopt such codes and/or
6 compilations or portions thereof, together with amendments thereto, or
7 additions thereto: PROVIDED, That except for Washington state
8 statutes, there shall be filed in the county auditor's office one copy
9 of such codes and compilations ten days prior to their adoption by
10 reference, and additional copies may also be filed in library or city
11 offices within the county as deemed necessary by the county legislative
12 authority: PROVIDED FURTHER, That no such regulation, code,
13 compilation, and/or statute shall be effective unless before its
14 adoption, a public hearing has been held thereon by the county
15 legislative authority of which at least ten days' notice has been
16 given. Any violation of such regulations, ordinances, codes,
17 compilations, and/or statutes or resolutions shall constitute a
18 misdemeanor or a civil violation subject to a monetary penalty:
19 PROVIDED FURTHER, That violation of a regulation, ordinance, code,
20 compilation, and/or statute relating to traffic including parking,
21 standing, stopping, and pedestrian offenses is a traffic infraction,
22 except that violation of a regulation, ordinance, code, compilation,
23 and/or statute equivalent to those provisions of Title 46 RCW set forth
24 in RCW 46.63.020 remains a misdemeanor. However, the punishment for
25 any criminal ordinance shall be the same as the punishment provided in
26 state law for the same crime and no act that is a state crime may be
27 made a civil violation. The notice must set out a copy of the proposed
28 regulations or summarize the content of each proposed regulation; or if
29 a code is adopted by reference the notice shall set forth the full
30 official title and a statement describing the general purpose of such
31 code. For purposes of this subsection, a summary shall mean a brief
32 description which succinctly describes the main points of the proposed
33 regulation. When the county publishes a summary, the publication shall
34 include a statement that the full text of the proposed regulation will
35 be mailed upon request. An inadvertent mistake or omission in
36 publishing the text or a summary of the content of a proposed
37 regulation shall not render the regulation invalid if it is adopted.
38 The notice shall also include the day, hour, and place of hearing and

1 must be given by publication in the newspaper in which legal notices of
2 the county are printed;

3 (8) Have power to compound and release in whole or in part any debt
4 due to the county when in their opinion the interest of their county
5 will not be prejudiced thereby, except in cases where they or any of
6 them are personally interested;

7 (9) Have power to administer oaths or affirmations necessary in the
8 discharge of their duties and commit for contempt any witness refusing
9 to testify before them with the same power as district judges.

10 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
11 each repealed:

12 (1) RCW 35.24.230 and 1965 c 7 s 35.24.230; and

13 (2) RCW 35.27.320 and 1965 c 7 s 35.27.320.

14 NEW SECTION. **Sec. 11.** This act shall take effect July 1, 1994.

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