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HOUSE BILL 2458

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State of Washington                      53rd Legislature                      1994 Regular Session

By Representatives Heavey, Reams, Kremen, Schmidt and Shin

Read first time 01/14/94. Referred to Committee on Energy & Utilities.

1            AN ACT Relating to duties of utilities to serve; amending RCW  
2 35.21.210, 35.22.280, 35.23.440, 35.24.290, and 35.27.370; adding a new  
3 section to chapter 35.67 RCW; adding a new section to chapter 35.92  
4 RCW; adding a new section to chapter 35.58 RCW; adding a new section to  
5 chapter 36.94 RCW; adding a new section to chapter 53.08 RCW; adding a  
6 new section to chapter 54.16 RCW; adding a new section to chapter 56.08  
7 RCW; adding a new section to chapter 57.08 RCW; adding a new section to  
8 chapter 87.03 RCW; and providing an effective date.

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

10            **Sec. 1.** RCW 35.21.210 and 1965 c 7 s 35.21.210 are each amended to  
11 read as follows:

12            Any city or town shall have power to provide for the sewerage,  
13 drainage and water supply thereof, and to establish, construct and  
14 maintain a system or systems of sewers and drains and a system or  
15 systems of water supply, within or without the corporate limits of such  
16 city or town, and to control, regulate and manage the same. A city or  
17 town that operates a sewerage system or a water supply system has a  
18 duty to serve within its service area if service is technically  
19 feasible and in compliance with local regulations.

1       **Sec. 2.** RCW 35.22.280 and 1993 c 83 s 4 are each amended to read  
2 as follows:

3       Any city of the first class shall have power:

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

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

9       (3) To control the finances and property of the corporation, and to  
10 acquire, by purchase or otherwise, such lands and other property as may  
11 be necessary for any part of the corporate uses provided for by its  
12 charter, and to dispose of any such property as the interests of the  
13 corporation may, from time to time, require;

14       (4) To borrow money for corporate purposes on the credit of the  
15 corporation, and to issue negotiable bonds therefor, on such conditions  
16 and in such manner as shall be prescribed in its charter; but no city  
17 shall, in any manner or for any purpose, become indebted to an amount  
18 in the aggregate to exceed the limitation of indebtedness prescribed by  
19 chapter 39.36 RCW as now or hereafter amended;

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

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

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

35       (8) To change the grade of any street, highway, or alley within its  
36 corporate limits, and to provide for the payment of damages to any  
37 abutting owner or owners who shall have built or made other  
38 improvements upon such street, highway, or alley at any point opposite  
39 to the point where such change shall be made with reference to the

1 grade of such street, highway, or alley as the same existed prior to  
2 such change;

3 (9) To authorize or prohibit the locating and constructing of any  
4 railroad or street railroad in any street, alley, or public place in  
5 such city, and to prescribe the terms and conditions upon which any  
6 such railroad or street railroad shall be located or constructed; to  
7 provide for the alteration, change of grade, or removal thereof; to  
8 regulate the moving and operation of railroad and street railroad  
9 trains, cars, and locomotives within the corporate limits of said city;  
10 and to provide by ordinance for the protection of all persons and  
11 property against injury in the use of such railroads or street  
12 railroads;

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

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

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

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

6 (14) To provide for erecting, purchasing, or otherwise acquiring  
7 waterworks, within or without the corporate limits of said city, to  
8 supply said city and its inhabitants with water, or authorize the  
9 construction of same by others when deemed for the best interests of  
10 such city and its inhabitants, and to regulate and control the use and  
11 price of the water so supplied, but has a duty to serve within its  
12 service area if service is technically feasible and in compliance with  
13 local regulations;

14 (15) To provide for lighting the streets and all public places, and  
15 for furnishing the inhabitants thereof with gas or other lights, and to  
16 erect, or otherwise acquire, and to maintain the same, or to authorize  
17 the erection and maintenance of such works as may be necessary and  
18 convenient therefor, and to regulate and control the use thereof;

19 (16) To establish and regulate markets, and to provide for the  
20 weighing, measuring, and inspection of all articles of food and drink  
21 offered for sale thereat, or at any other place within its limits, by  
22 proper penalties, and to enforce the keeping of proper legal weights  
23 and measures by all vendors in such city, and to provide for the  
24 inspection thereof. Whenever the words "public markets" are used in  
25 this chapter, and the public market is managed in whole or in part by  
26 a public corporation created by a city, the words shall be construed to  
27 include all real or personal property located in a district or area  
28 designated by a city as a public market and traditionally devoted to  
29 providing farmers, crafts vendors and other merchants with retail space  
30 to market their wares to the public. Property located in such a  
31 district or area need not be exclusively or primarily used for such  
32 traditional public market retail activities and may include property  
33 used for other public purposes including, but not limited to, the  
34 provision of human services and low-income or moderate-income housing;

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

37 (18) To provide for establishing and maintaining reform schools for  
38 juvenile offenders;

1 (19) To provide for the establishment and maintenance of public  
2 libraries, and to appropriate, annually, such percent of all moneys  
3 collected for fines, penalties, and licenses as shall be prescribed by  
4 its charter, for the support of a city library, which shall, under such  
5 regulations as shall be prescribed by ordinance, be open for use by the  
6 public;

7 (20) To regulate the burial of the dead, and to establish and  
8 regulate cemeteries within or without the corporate limits, and to  
9 acquire land therefor by purchase or otherwise; to cause cemeteries to  
10 be removed beyond the limits of the corporation, and to prohibit their  
11 establishment within two miles of the boundaries thereof;

12 (21) To direct the location and construction of all buildings in  
13 which any trade or occupation offensive to the senses or deleterious to  
14 public health or safety shall be carried on, and to regulate the  
15 management thereof; and to prohibit the erection or maintenance of such  
16 buildings or structures, or the carrying on of such trade or occupation  
17 within the limits of such corporation, or within the distance of two  
18 miles beyond the boundaries thereof;

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

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

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

31 (25) To deepen, widen, dock, cover, wall, alter, or change the  
32 channels of waterways and courses, and to provide for the construction  
33 and maintenance of all such works as may be required for the  
34 accommodation of commerce, including canals, slips, public landing  
35 places, wharves, docks, and levees, and to control and regulate the use  
36 thereof;

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

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

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

7 (29) To require the owners of public halls or other buildings to  
8 provide suitable means of exit; to provide for the prevention and  
9 abatement of nuisances, for the cleaning and purification of  
10 watercourses and canals, for the drainage and filling up of ponds on  
11 private property within its limits, when the same shall be offensive to  
12 the senses or dangerous to health; to regulate and control, and to  
13 prevent and punish, the defilement or pollution of all streams running  
14 through or into its corporate limits, and for the distance of five  
15 miles beyond its corporate limits, and on any stream or lake from which  
16 the water supply of said city is taken, for a distance of five miles  
17 beyond its source of supply; to provide for the cleaning of areas,  
18 vaults, and other places within its corporate limits which may be so  
19 kept as to become offensive to the senses or dangerous to health, and  
20 to make all such quarantine or other regulations as may be necessary  
21 for the preservation of the public health, and to remove all persons  
22 afflicted with any infectious or contagious disease to some suitable  
23 place to be provided for that purpose;

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

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

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

36 (33) To regulate the carrying on within its corporate limits of all  
37 occupations which are of such a nature as to affect the public health  
38 or the good order of said city, or to disturb the public peace, and  
39 which are not prohibited by law, and to provide for the punishment of

1 all persons violating such regulations, and of all persons who  
2 knowingly permit the same to be violated in any building or upon any  
3 premises owned or controlled by them;

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

6 (35) To provide for the punishment of all disorderly conduct, and  
7 of all practices dangerous to public health or safety, and to make all  
8 regulations necessary for the preservation of public morality, health,  
9 peace, and good order within its limits, and to provide for the arrest,  
10 trial, and punishment of all persons charged with violating any of the  
11 ordinances of said city. The punishment shall not exceed a fine of  
12 five thousand dollars or imprisonment in the city jail for one year, or  
13 both such fine and imprisonment. The punishment for any criminal  
14 ordinance shall be the same as the punishment provided in state law for  
15 the same crime. Such cities alternatively may provide that violations  
16 of ordinances constitute a civil violation subject to monetary  
17 penalties, but no act which is a state crime may be made a civil  
18 violation;

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

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

25 **Sec. 3.** RCW 35.23.440 and 1993 c 83 s 5 are each amended to read  
26 as follows:

27 The city council of each second class city shall have power and  
28 authority:

29 (1) Ordinances: To make and pass all ordinances, orders, and  
30 resolutions not repugnant to the Constitution of the United States or  
31 the state of Washington, or the provisions of this title, necessary for  
32 the municipal government and management of the affairs of the city, for  
33 the execution of the powers vested in said body corporate, and for the  
34 carrying into effect of the provisions of this title.

35 (2) License of shows: To fix and collect a license tax, for the  
36 purposes of revenue and regulation, on theatres, melodeons, balls,  
37 concerts, dances, theatrical, circus, or other performances, and all  
38 performances where an admission fee is charged, or which may be held in

1 any house or place where wines or liquors are sold to the  
2 participators; also all shows, billiard tables, pool tables, bowling  
3 alleys, exhibitions, or amusements.

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

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

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

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

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

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

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

36 (10) Nuisances: To declare what shall be deemed nuisances; to  
37 prevent, remove, and abate nuisances at the expense of the parties  
38 creating, causing, or committing or maintaining the same, and to levy  
39 a special assessment on the land or premises whereon the nuisance is



1 situated to defray the cost or to reimburse the city for the cost of  
2 abating the same.

3 (11) Stock pound: To establish, maintain, and regulate a common  
4 pound for estrays, and to appoint a poundkeeper, who shall be paid out  
5 of the fines and fees imposed and collected of the owners of any  
6 animals impounded, and from no other source; to prevent and regulate  
7 the running at large of any and all domestic animals within the city  
8 limits or any parts thereof, and to regulate or prevent the keeping of  
9 such animals within any part of the city.

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

14 (13) Street cleaning: To provide, by regulation, for the  
15 prevention and summary removal of all filth and garbage in streets,  
16 sloughs, alleys, back yards, or public grounds of such city, or  
17 elsewhere therein.

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

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

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

25 (17) City commons: To provide for and regulate the commons of the  
26 city.

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

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

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

37 (21) Fire department: To establish, continue, regulate, and  
38 maintain a fire department for such city, to change or reorganize the  
39 same, and to disband any company or companies of the said department;

1 also, to discontinue and disband said fire department, and to create,  
2 organize, establish, and maintain a paid fire department for such city.

3 (22) Water supply: To adopt, enter into, and carry out means for  
4 securing a supply of water for the use of such city or its inhabitants,  
5 or for irrigation purposes therein. A city supplying potable water has  
6 a duty to serve within its service area if service is technically  
7 feasible and in compliance with local regulations.

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

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

12 (25) Health board: To establish a board of health; to prevent the  
13 introduction and spread of disease; to establish a city infirmary and  
14 to provide for the indigent sick; and to provide and enforce  
15 regulations for the protection of health, cleanliness, peace, and good  
16 order of the city; to establish and maintain hospitals within or  
17 without the city limits; to control and regulate interments and to  
18 prohibit them within the city limits.

19 (26) Harbors and wharves: To build, alter, improve, keep in  
20 repair, and control the waterfront; to erect, regulate, and repair  
21 wharves, and to fix the rate of wharfage and transit of wharf, and levy  
22 dues upon vessels and commodities; and to provide for the regulation of  
23 berths, landing, stationing, and removing steamboats, sail vessels,  
24 rafts, barges, and all other watercraft; to fix the rate of speed at  
25 which steamboats and other steam watercraft may run along the  
26 waterfront of the city; to build bridges so as not to interfere with  
27 navigation; to provide for the removal of obstructions to the  
28 navigation of any channel or watercourses or channels.

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

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

34 (29) Penalty for violation of ordinances: To provide that  
35 violations of ordinances with the punishment for any offense not  
36 exceeding a fine of five thousand dollars or imprisonment for more than  
37 one year, or both fine and imprisonment, but the punishment for any  
38 criminal ordinance shall be the same as the punishment provided in  
39 state law for the same crime. Alternatively, such a city may provide

1 that a violation of an ordinance constitutes a civil violation subject  
2 to monetary penalties or to determine and impose fines for forfeitures  
3 and penalties, but no act which is a state crime may be made a civil  
4 violation. A violation of an order, regulation, or ordinance relating  
5 to traffic including parking, standing, stopping, and pedestrian  
6 offenses is a traffic infraction, except that violation of an order,  
7 regulation, or ordinance equivalent to those provisions of Title 46 RCW  
8 set forth in RCW 46.63.020 remains a misdemeanor.

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

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

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

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

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

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

37 (36) Sewerage: To adopt, provide for, establish, and maintain a  
38 general system of sewerage, draining, or both, and the regulation  
39 thereof, but has a duty to serve within its service area if service is

1 technically feasible and in compliance with local regulations; to  
2 provide funds by local assessments on the property benefited for the  
3 purpose aforesaid and to determine the manner, terms, and place of  
4 connection with main or central lines of pipes, sewers, or drains  
5 established, and compel compliance with and conformity to such general  
6 system of sewerage or drainage, or both, and the regulations of said  
7 council thereto relating, by the infliction of suitable penalties and  
8 forfeitures against persons and property, or either, for nonconformity  
9 to, or failure to comply with the provisions of such system and  
10 regulations or either.

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

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

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

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

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

26 (42) Waterworks: To provide for the erection, purchase, or  
27 otherwise acquiring of waterworks within or without the corporate  
28 limits of the city to supply such city and its inhabitants with water,  
29 and to regulate and control the use and price of the water so supplied,  
30 but has a duty to serve within its service area if service is  
31 technically feasible and in compliance with local regulations.

32 (43) City lights: To provide for lighting the streets and all  
33 public places of the city and for furnishing the inhabitants of the  
34 city with gas, electric, or other light, and for the ownership,  
35 purchase or acquisition, construction, or maintenance of such works as  
36 may be necessary or convenient therefor: PROVIDED, That no purchase of  
37 any such water plant or light plant shall be made without first  
38 submitting the question of such purchase to the electors of the city.  
39 A city providing electricity has a duty to serve within its service

1 area if service is technically feasible and in compliance with local  
2 regulations.

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

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

8 (46) Power of eminent domain: In the name of and for the use and  
9 benefit of the city, to exercise the right of eminent domain, and to  
10 condemn lands and property for the purposes of streets, alleys, parks,  
11 public grounds, waterworks, or for any other municipal purpose and to  
12 acquire by purchase or otherwise such lands and property as may be  
13 deemed necessary for any of the corporate uses provided for by this  
14 title, as the interests of the city may from time to time require.

15 (47) To provide for the assessment of taxes: To provide for the  
16 assessment, levying, and collecting of taxes on real and personal  
17 property for the corporate uses and purposes of the city and to provide  
18 for the payment of the debts and expenses of the corporation.

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

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

28 (50) Fire limits: To establish fire limits with proper regulations  
29 and to make all needful regulations for the erection and maintenance of  
30 buildings or other structures within the corporate limits as safety of  
31 persons or property may require, and to cause all such buildings and  
32 places as may from any cause be in a dangerous state to be put in a  
33 safe condition; to regulate the manner in which stone, brick, and other  
34 buildings, party walls, and partition fences shall be constructed and  
35 maintained.

36 (51) Safety and sanitary measures: To require the owners of public  
37 halls, theaters, hotels, and other buildings to provide suitable means  
38 of exit and proper fire escapes; to provide for the cleaning and  
39 purification of watercourses and canals and for the draining and

1 filling up of ponds on private property within its limits when the same  
2 shall be offensive to the senses or dangerous to the health, and to  
3 charge the expense thereof to the property specially benefited, and to  
4 regulate and control and provide for the prevention and punishment of  
5 the defilement or pollution of all streams running in or through its  
6 corporate limits and a distance of five miles beyond its corporate  
7 limits, and of any stream or lake from which the water supply of the  
8 city is or may be taken and for a distance of five miles beyond its  
9 source of supply, and to make all quarantine and other regulations as  
10 may be necessary for the preservation of the public health and to  
11 remove all persons afflicted with any contagious disease to some  
12 suitable place to be provided for that purpose.

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

16 (53) To establish streets on tidelands: To project or extend or  
17 establish streets over and across any tidelands within the limits of  
18 such city.

19 (54) To provide for the general welfare.

20 **Sec. 4.** RCW 35.24.290 and 1993 c 83 s 6 are each amended to read  
21 as follows:

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

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

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

28 (3) To establish, build and repair bridges, to establish, lay out,  
29 alter, keep open, open, widen, vacate, improve and repair streets,  
30 sidewalks, alleys, squares and other public highways and places within  
31 the city, and to drain, sprinkle and light the same; to remove all  
32 obstructions therefrom; to establish and reestablish the grades  
33 thereof; to grade, plank, pave, macadamize, gravel and curb the same,  
34 in whole or in part; to construct gutters, culverts, sidewalks and  
35 crosswalks therein or upon any part thereof; to cultivate and maintain  
36 parking strips therein, and generally to manage and control all such  
37 highways and places; to provide by local assessment for the leveling up

1 and surfacing and oiling or otherwise treating for the laying of dust,  
2 all streets within the city limits;

3 (4) To establish, construct and maintain drains and sewers, and  
4 shall have power to compel all property owners on streets and alleys or  
5 within two hundred feet thereof along which sewers shall have been  
6 constructed to make proper connections therewith and to use the same  
7 for proper purposes, and in case the owners of the property on such  
8 streets and alleys or within two hundred feet thereof fail to make such  
9 connections within the time fixed by such council, it may cause such  
10 connections to be made and assess against the property served thereby  
11 the costs and expenses thereof. A city providing sanitary sewers has  
12 a duty to serve within its service area if service is technically  
13 feasible and in compliance with local regulations;

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

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

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

25 (8) To improve rivers and streams flowing through such city, or  
26 adjoining the same; to widen, straighten and deepen the channel  
27 thereof, and remove obstructions therefrom; to improve the water-front  
28 of the city, and to construct and maintain embankments and other works  
29 to protect such city from overflow; to prevent the filling of the water  
30 of any bay, except such filling over tide or shorelands as may be  
31 provided for by order of the city council; to purify and prevent the  
32 pollution of streams of water, lakes or other sources of supply, and  
33 for this purpose shall have jurisdiction over all streams, lakes or  
34 other sources of supply, both within and without the city limits. Such  
35 city shall have power to provide by ordinance and to enforce such  
36 punishment or penalty as the city council may deem proper for the  
37 offense of polluting or in any manner obstructing or interfering with  
38 the water supply of such city or source thereof;

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

1 (10) To permit, under such restrictions as it may deem proper, and  
2 to grant franchises for, the laying of railroad tracks, and the running  
3 of cars propelled by electric, steam or other power thereon, and the  
4 laying of gas and water pipes and steam mains and conduits for  
5 underground wires, and to permit the construction of tunnels or subways  
6 in the public streets, and to construct and maintain and to permit the  
7 construction and maintenance of telegraph, telephone and electric lines  
8 therein;

9 (11) In its discretion to divide the city by ordinance, into a  
10 convenient number of wards, not exceeding six, to fix the boundaries  
11 thereof, and to change the same from time to time: PROVIDED, That no  
12 change in the boundaries of any ward shall be made within sixty days  
13 next before the date of a general municipal election, nor within twenty  
14 months after the wards have been established or altered. Whenever such  
15 city is so divided into wards, the city council shall designate by  
16 ordinance the number of councilmen to be elected from each ward,  
17 apportioning the same in proportion to the population of the wards.  
18 Thereafter the councilmen so designated shall be elected by the  
19 qualified electors resident in such ward, or by general vote of the  
20 whole city as may be designated in such ordinance. When additional  
21 territory is added to the city it may by act of the council, be annexed  
22 to contiguous wards without affecting the right to redistrict at the  
23 expiration of twenty months after last previous division. The removal  
24 of a councilman from the ward for which he was elected shall create a  
25 vacancy in such office;

26 (12) To impose fines, penalties and forfeitures for any and all  
27 violations of ordinances, and for any breach or violation of any  
28 ordinance to fix the penalty by fine or imprisonment, or both, but no  
29 such fine shall exceed five thousand dollars nor the term of such  
30 imprisonment exceed the term of one year, except that the punishment  
31 for any criminal ordinance shall be the same as the punishment provided  
32 in state law for the same crime; or to provide that violations of  
33 ordinances constitute a civil violation subject to monetary penalty,  
34 but no act that is a state crime may be made a civil violation;

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

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

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



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

4 (17) To make all such ordinances, bylaws, rules, regulations and  
5 resolutions, not inconsistent with the Constitution and laws of the  
6 state of Washington, as may be deemed expedient to maintain the peace,  
7 good government and welfare of the corporation and its trade, commerce  
8 and manufactures, and to do and perform any and all other acts and  
9 things necessary or proper to carry out the provisions of this chapter,  
10 and to enact and enforce within the limits of such city all other  
11 local, police, sanitary and other regulations as do not conflict with  
12 general laws;

13 (18) To license steamers, boats and vessels used in any bay or  
14 other watercourse in the city and to fix and collect such license; to  
15 provide for the regulation of berths, landings, and stations, and for  
16 the removing of steamboats, sail boats, sail vessels, rafts, barges and  
17 other watercraft; to provide for the removal of obstructions to  
18 navigation and of structures dangerous to navigation or to other  
19 property, in or adjoining the waterfront, except in municipalities in  
20 counties in which there is a city of the first class.

21 **Sec. 5.** RCW 35.27.370 and 1993 c 83 s 7 are each amended to read  
22 as follows:

23 The council of said town shall have power:

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

26 (2) To purchase, lease or receive such real estate and personal  
27 property as may be necessary or proper for municipal purposes, and to  
28 control, dispose of and convey the same for the benefit of the town; to  
29 acquire, own, and hold real estate for cemetery purposes either within  
30 or without the corporate limits, to sell and dispose of such real  
31 estate, to plat or replat such real estate into cemetery lots and to  
32 sell and dispose of any and all lots therein, and to operate, improve  
33 and maintain the same as a cemetery;

34 (3) To contract for supplying the town with water for municipal  
35 purposes, or to acquire, construct, repair and manage pumps, aqueducts,  
36 reservoirs, or other works necessary or proper for supplying water for  
37 use of such town or its inhabitants, or for irrigating purposes  
38 therein. The town has a duty to serve within its service area if

1 service is technically feasible and in compliance with local  
2 regulations;

3 (4) To establish, build and repair bridges, to establish, lay out,  
4 alter, widen, extend, keep open, improve, and repair streets,  
5 sidewalks, alleys, squares and other public highways and places within  
6 the town, and to drain, sprinkle and light the same; to remove all  
7 obstructions therefrom; to establish the grades thereof; to grade,  
8 pave, plank, macadamize, gravel and curb the same, in whole or in part,  
9 and to construct gutters, culverts, sidewalks and crosswalks therein,  
10 or on any part thereof; to cause to be planted, set out and cultivated  
11 trees therein, and generally to manage and control all such highways  
12 and places;

13 (5) To establish, construct and maintain drains and sewers, and  
14 shall have power to compel all property owners on streets along which  
15 sewers are constructed to make proper connections therewith, and to use  
16 the same for proper purposes when such property is improved by the  
17 erection thereon of a building or buildings; and in case the owners of  
18 such improved property on such streets shall fail to make such  
19 connections within the time fixed by such council, they may cause such  
20 connections to be made, and to assess against the property in front of  
21 which such connections are made the costs and expenses thereof, and a  
22 city providing sanitary sewers has a duty to serve within its service  
23 area if service is technically feasible and in compliance with local  
24 regulations;

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

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

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

33 (9) To license, for purposes of regulation and revenue, all and  
34 every kind of business, authorized by law and transacted and carried on  
35 in such town; and all shows, exhibitions and lawful games carried on  
36 therein and within one mile of the corporate limits thereof; to fix the  
37 rate of license tax upon the same, and to provide for the collection of  
38 the same, by suit or otherwise; to regulate, restrain, or prohibit the  
39 running at large of any and all domestic animals within the city

1 limits, or any part or parts thereof, and to regulate the keeping of  
2 such animals within any part of the city; to establish, maintain and  
3 regulate a common pound for estrays, and to appoint a poundkeeper, who  
4 shall be paid out of the fines and fees imposed on, and collected from,  
5 the owners of any impounded stock;

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

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

14 (12) To grant franchises or permits to use and occupy the surface,  
15 the overhead and the underground of streets, alleys and other public  
16 ways, under such terms and conditions as it shall deem fit, for any and  
17 all purposes, including but not being limited to the construction,  
18 maintenance and operation of railroads, street railways, transportation  
19 systems, water, gas and steam systems, telephone and telegraph systems,  
20 electric lines, signal systems, surface, aerial and underground  
21 tramways;

22 (13) To punish the keepers and inmates and lessors of houses of ill  
23 fame, and keepers and lessors of gambling houses and rooms and other  
24 places where gambling is carried on or permitted, gamblers and keepers  
25 of gambling tables;

26 (14) To impose fines, penalties and forfeitures for any and all  
27 violations of ordinances, and for any breach or violation of any  
28 ordinance, to fix the penalty by fine or imprisonment, or both; but no  
29 such fine shall exceed five thousand dollars, nor the term of  
30 imprisonment exceed one year, except that the punishment for any  
31 criminal ordinance shall be the same as the punishment provided in  
32 state law for the same crime; or to provide that violations of  
33 ordinances constitute a civil violation subject to a monetary penalty,  
34 but no act which is a state crime may be made a civil violation;

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

38 (16) To make all such ordinances, bylaws, rules, regulations and  
39 resolutions not inconsistent with the Constitution and laws of the

1 state of Washington, as may be deemed expedient to maintain the peace,  
2 good government and welfare of the town and its trade, commerce and  
3 manufacturers, and to do and perform any and all other acts and things  
4 necessary or proper to carry out the provisions of this chapter.

5 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.67 RCW  
6 to read as follows:

7 Any city or town that operates a sanitary sewage disposal sewer  
8 utility has a duty to serve within its service area if service is  
9 technically feasible and in compliance with local regulations.

10 NEW SECTION. **Sec. 7.** A new section is added to chapter 35.92 RCW  
11 to read as follows:

12 Any city or town that operates a public utility providing potable  
13 water, sanitary sewers, or electricity has a duty to serve within its  
14 service area if service is technically feasible and in compliance with  
15 local regulations.

16 NEW SECTION. **Sec. 8.** A new section is added to chapter 35.58 RCW  
17 to read as follows:

18 Any metropolitan municipal corporation that operates water  
19 pollution abatement facilities that are used for the local collection  
20 of sewage, or operates water supply facilities that are used for the  
21 local distribution of water, has a duty to serve within its service  
22 area if service is technically feasible and in compliance with local  
23 regulations.

24 NEW SECTION. **Sec. 9.** A new section is added to chapter 36.94 RCW  
25 to read as follows:

26 Any county that operates a sanitary sewage disposal system or water  
27 system has a duty to serve within its service area if service is  
28 technically feasible and in compliance with local regulations.

29 NEW SECTION. **Sec. 10.** A new section is added to chapter 53.08 RCW  
30 to read as follows:

31 Any port district that operates a water utility or sanitary sewer  
32 utility has a duty to serve within its service area if service is  
33 technically feasible and in compliance with local regulations.

1        NEW SECTION.   **Sec. 11.**   A new section is added to chapter 54.16 RCW  
2 to read as follows:

3        Any public utility district that operates an electrical energy  
4 distribution system, water system for domestic use, or sanitary sewage  
5 system has a duty to serve within its service area if service is  
6 technically feasible and in compliance with local regulations.

7        NEW SECTION.   **Sec. 12.**   A new section is added to chapter 56.08 RCW  
8 to read as follows:

9        Any sewer district that operates a system of sanitary sewers has a  
10 duty to serve within its service area if service is technically  
11 feasible and in compliance with local regulations.

12       NEW SECTION.   **Sec. 13.**   A new section is added to chapter 57.08 RCW  
13 to read as follows:

14       Any water district that operates waterworks has a duty to serve  
15 within its service area if service is technically feasible and in  
16 compliance with local regulations.

17       NEW SECTION.   **Sec. 14.**   A new section is added to chapter 87.03 RCW  
18 to read as follows:

19       Any irrigation district that operates an electrical power system  
20 that sells electricity to inhabitants of the district, a water system  
21 for domestic purposes, or a sanitary sewer system has a duty to serve  
22 within its service area if service is technically feasible and in  
23 compliance with local regulations.

24       NEW SECTION.   **Sec. 15.**   This act shall take effect July 1, 1994.

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