
SENATE BILL 5116

State of Washington**53rd Legislature****1993 Regular Session****By** Senators Loveland, von Reichbauer, Haugen and Drew

Read first time 01/13/93. Referred to Committee on Government Operations.

1 AN ACT Relating to cities and towns; amending RCW 3.38.010,
2 29.07.105, 35.01.010, 35.01.020, 35.01.040, 35.06.010, 35.06.070,
3 35.06.080, 35.07.010, 35.13.180, 35.13.190, 35.13.200, 35.13.210,
4 35.13.280, 35.23.170, 35.23.270, 35.23.352, 35.23.440, 35.23.455,
5 35.23.460, 35.23.470, 35.23.570, 35.23.020, 35.23.040, 35.23.080,
6 35.23.120, 35.23.150, 35.23.160, 35.23.180, 35.23.190, 35.23.250,
7 35.23.280, 35.23.530, 35.24.020, 35.24.050, 35.24.080, 35.24.100,
8 35.24.142, 35.24.160, 35.24.190, 35.24.200, 35.24.210, 35.24.305,
9 35.24.306, 35.24.330, 35.24.370, 35.24.400, 35.24.410, 35.24.420,
10 35.24.440, 35.24.455, 35.27.010, 35.27.550, 35.31.050, 35.34.040,
11 35.55.010, 35.55.130, 35.56.010, 35.61.010, 35.69.010, 35.70.020,
12 35.70.100, 35.86A.020, 35.86A.050, 35A.01.070, 35A.02.130, 35A.06.020,
13 35A.06.030, 35A.10.010, 35A.12.010, 35A.13.010, 35A.29.150, 36.94.050,
14 39.36.040, 41.44.050, 42.23.030, 54.16.110, 54.16.180, 56.04.090,
15 57.04.100, 57.08.010, 68.52.210, 81.48.030, 81.48.040, 84.52.020,
16 84.52.070, 90.28.010, and 90.28.020; adding new sections to chapter
17 35.23 RCW; recodifying RCW 35.24.020, 35.24.050, 35.24.070, 35.24.080,
18 35.24.090, 35.24.100, 35.24.110, 35.24.120, 35.24.130, 35.24.140,
19 35.24.142, 35.24.144, 35.24.146, 35.24.148, 35.24.160, 35.24.180,
20 35.24.190, 35.24.200, 35.24.210, 35.24.220, 35.24.250, 35.24.260,
21 35.24.300, 35.24.305, 35.24.306, 35.24.310, 35.24.330, 35.24.370,

1 35.24.400, 35.24.410, 35.24.420, 35.24.430, 35.24.440, 35.24.455,
2 35.23.020, 35.23.040, 35.23.080, 35.23.120, 35.23.150, 35.23.160,
3 35.23.180, 35.23.190, 35.23.250, 35.23.280, and 35.23.530; and
4 repealing RCW 35.01.030, 35.06.020, 35.06.030, 35.06.040, 35.06.050,
5 35.06.060, 35.23.030, 35.23.050, 35.23.070, 35.23.090, 35.23.100,
6 35.23.110, 35.23.130, 35.23.132, 35.23.140, 35.23.200, 35.23.210,
7 35.23.220, 35.23.230, 35.23.240, 35.23.260, 35.23.300, 35.23.310,
8 35.23.320, 35.23.370, 35.23.450, 35.23.500, 35.23.510, 35.23.540,
9 35.23.550, 35.23.595, 35.24.010, 35.24.030, 35.24.060, 35.24.230,
10 35.24.274, 35.24.275, 35.24.290, 35.24.340, 35.24.350, 35.24.380,
11 35.24.390, 35.61.320, 35.61.330, and 35.61.340.

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

13 **Sec. 1.** RCW 3.38.010 and 1984 c 258 s 22 are each amended to read
14 as follows:

15 There is established in each county a district court districting
16 committee composed of the following:

17 (1) The judge of the superior court, or, if there be more than one
18 such judge, then one of the judges selected by that court;

19 (2) The prosecuting attorney, or a deputy selected by the
20 prosecuting attorney;

21 (3) A practicing lawyer of the county selected by the president of
22 the largest local bar association, if there be one, and if not, then by
23 the county legislative authority;

24 (4) A judge of a court of limited jurisdiction in the county
25 selected by the president of the Washington state magistrates'
26 association; and

27 (5) The mayor, or representative appointed by the mayor, of each
28 (~~first, second, and third class~~) city ~~((of))~~ or town with a
29 population of three thousand or more in the county;

30 (6) One person to represent the (~~fourth class~~) cities ~~((of))~~ and
31 towns with populations of three thousand or less in the county, if any,
32 to be designated by the president of the association of Washington
33 cities: PROVIDED, That if there should not be (~~neither a first class~~
34 ~~nor a second class~~) a city ((within)) in the county with a population
35 of ten thousand or more, the mayor, or the mayor's representative, of
36 each ((fourth class) city or town with a population of less than three
37 thousand shall be a member;

- 1 (7) The (~~chairman~~) chair of the county legislative authority; and
2 (8) The county auditor.

3 **Sec. 2.** RCW 29.07.105 and 1971 ex.s. c 202 s 14 are each amended
4 to read as follows:

5 In all cities (~~of the first, second and third class~~) or towns
6 with populations of three thousand or more, the governing body shall by
7 ordinance with the consent of the county auditor provide for additional
8 temporary registration facilities during the fifteen day period,
9 excepting Sundays, prior to the last day to register in order to be
10 eligible to vote at a state primary (~~election~~) and during the fifteen
11 day period, excepting Sundays, prior to the last day to register in
12 order to be eligible to vote at a state general election by stationing
13 deputy registrars at stores, public buildings or other temporary
14 locations. The county auditor may deputize additional deputy
15 registrars for the periods of temporary registration if so requested by
16 the governing body of the city or town. The number of such temporary
17 registration places to be so established and the hours to be maintained
18 shall be, in the judgment of the governing body of the city or town
19 concerned, adequate to afford ample opportunity for all qualified
20 electors to register for voting, but in no event shall there be less
21 than two such temporary registration places so established. Nothing in
22 this section shall preclude door-to-door registration including
23 registration from a portable office as in a trailer.

24 **Sec. 3.** RCW 35.01.010 and 1965 c 7 s 35.01.010 are each amended to
25 read as follows:

26 A first class city is (~~one having at least twenty thousand~~
27 ~~inhabitants~~) a city with a population of ten thousand or more at the
28 time of its organization or reorganization that has a charter adopted
29 under Article XI, section 10, of the state Constitution.

30 **Sec. 4.** RCW 35.01.020 and 1965 c 7 s 35.01.020 are each amended to
31 read as follows:

32 A second class city is (~~one having at least ten thousand~~
33 ~~inhabitants~~) a city with a population of more than fifteen hundred at
34 the time of its organization or reorganization that does not have a
35 charter adopted under Article XI, section 10, of the state
36 Constitution, and does not operate under Title 35A RCW.

1 **Sec. 5.** RCW 35.01.040 and 1965 c 7 s 35.01.040 are each amended to
2 read as follows:

3 A (~~((municipal corporation of the fourth class, which shall be known~~
4 ~~as a town, is one having not less than three hundred inhabitants and~~
5 ~~not more than fifteen hundred inhabitants))~~ town has a population of
6 fifteen hundred or less at the time of its organization and does not
7 operate under Title 35A RCW.

8 **Sec. 6.** RCW 35.06.010 and 1965 c 7 s 35.06.010 are each amended to
9 read as follows:

10 A city or town which has(~~(, as ascertained by a local census, or~~
11 ~~which has on the first day of January in any year according to an~~
12 ~~official report or abstract of the then next preceding federal or state~~
13 ~~census,))~~ at least (~~(twenty))~~ ten thousand inhabitants may become a
14 first class city (~~(of the first class; a city or town which has, when~~
15 ~~ascertained in the same way, at least ten thousand inhabitants may~~
16 ~~become a city of the second class; a city or town which has, when~~
17 ~~ascertained in the same way,))~~ by adopting a charter under Article XI,
18 section 10, of the state Constitution in chapter 35.22 RCW.

19 A town which has at least fifteen hundred inhabitants may
20 reorganize and advance its classification to become a second class city
21 ((of the third class)) as provided in this chapter.

22 **Sec. 7.** RCW 35.06.070 and 1965 c 7 s 35.06.070 are each amended to
23 read as follows:

24 (~~(It shall be the duty of said board to cause a record of such~~
25 ~~action to be made, and when the clerk of the board has made the record,~~
26 ~~he shall certify and forward to the secretary of state a transcript~~
27 ~~thereof, whereupon the corporation shall be a city of the third,~~
28 ~~second, or first class, as the case may be, to be organized and~~
29 ~~governed under the provisions of this title, and))~~ A ballot proposition
30 authorizing an advancement in classification of a town to a second
31 class city shall be submitted to the voters of the town if either: (1)
32 Petitions proposing the advancement are submitted to the town clerk
33 that have been signed by voters of the town equal in number to at least
34 ten percent of the voters of the town voting at the last municipal
35 general election; or (2) the town council adopts a resolution proposing
36 the advancement. The clerk shall immediately forward the petitions to

1 the county auditor who shall review the signatures and certify the
2 sufficiency of the petitions.

3 A ballot proposition authorizing an advancement shall be submitted
4 to the town voters at the next municipal general election occurring
5 forty-five or more days after the petitions are submitted if the county
6 auditor certifies the petitions as having sufficient valid signatures.
7 The town shall be advanced to a second class city if the ballot
8 proposition is approved by a simple majority vote, effective when the
9 corporation is actually (~~organized by the election and qualification~~
10 of its officers, notice of its existence as such shall be taken in all
11 judicial proceedings)) reorganized and the new officers are elected and
12 qualified. The county auditor shall notify the secretary of state if
13 the advancement of a town to a second class city is approved.

14 **Sec. 8.** RCW 35.06.080 and 1965 c 106 s 1 are each amended to read
15 as follows:

16 The first election of officers of the new corporation after (~~such~~
17 proceedings)) the advancement of classification is approved shall be at
18 the next general municipal election (~~or at a special election to be~~
19 called for that purpose,)) and the officers of the old corporation, as
20 altered by the election when the advancement was approved, shall remain
21 in office until the officers of the new corporation are elected and
22 qualified(~~+~~)) and assume office in accordance with RCW 29.04.170. A
23 primary shall be held where necessary to nominate candidates for the
24 elected offices of the corporation as a second class city. Candidates
25 for city council positions shall run for specific council positions.
26 The council of the old corporation may adopt a resolution providing
27 that the offices of city attorney, clerk, and treasurer are appointive.

28 The three persons who are elected to council positions one through
29 six receiving the greatest number of votes shall be elected to four-
30 year terms of office and the other three persons who are elected to
31 council positions one through six, and the person elected to council
32 position seven, shall be elected to two-year terms of office. The
33 person elected as mayor and the persons elected to any other elected
34 office shall be elected to four-year terms of office. All successors
35 to all elected positions, other than council position number seven,
36 shall be elected to four-year terms of office and successors to council
37 position number seven shall be elected to two-year terms of office.

1 There shall be no election of town offices at this election when
2 the first officers of the new corporation are elected and the offices
3 of the town shall expire when the officers of the new corporation
4 assume office.

5 The ordinances, bylaws, and resolutions adopted by the old
6 corporation shall, as far as consistent with the provisions of this
7 title, continue in force until repealed by the council of the new
8 corporation(~~;-and~~).

9 The council and officers of the (~~old corporation~~) town shall,
10 upon demand, deliver to the proper officers of the new corporation all
11 books of record, documents, and papers in their possession belonging to
12 the old corporation.

13 **Sec. 9.** RCW 35.07.010 and 1965 c 7 s 35.07.010 are each amended to
14 read as follows:

15 Cities (~~of the third class~~) and towns (~~having a population of~~
16 ~~less than four thousand inhabitants~~) may disincorporate.

17 **Sec. 10.** RCW 35.13.180 and 1983 1st ex.s. c 68 s 1 are each
18 amended to read as follows:

19 City and town councils of second (~~and third~~) class cities and
20 towns may by a majority vote annex new unincorporated territory outside
21 the city or town limits, whether contiguous or noncontiguous for park,
22 cemetery, or other municipal purposes when such territory is owned by
23 the city or town or all of the owners of the real property in the
24 territory give their written consent to the annexation.

25 **Sec. 11.** RCW 35.13.190 and 1965 c 7 s 35.13.190 are each amended
26 to read as follows:

27 Any unincorporated area contiguous to a second (~~or third~~) class
28 city or town may be annexed thereto by an ordinance accepting a gift,
29 grant, or lease from the government of the United States of the right
30 to occupy, control, improve it or sublet it for commercial,
31 manufacturing, or industrial purposes: PROVIDED, That this shall not
32 apply to any territory more than four miles from the corporate limits
33 existing before such annexation.

34 **Sec. 12.** RCW 35.13.200 and 1965 c 7 s 35.13.200 are each amended
35 to read as follows:

1 In the ordinance annexing territory pursuant to a gift, grant, or
2 lease from the government of the United States, a second (~~(or third)~~)
3 class city or town may include such tide and shore lands as may be
4 necessary or convenient for the use thereof, may include in the
5 ordinance an acceptance of the terms and conditions attached to the
6 gift, grant, or lease and may provide in the ordinance for the annexed
7 territory to become a separate ward of the city or town or part or
8 parts of adjacent wards.

9 **Sec. 13.** RCW 35.13.210 and 1965 c 7 s 35.13.210 are each amended
10 to read as follows:

11 A second (~~(or third)~~) class city or town may cause territory
12 annexed pursuant to a gift, grant, or lease of the government of the
13 United States to be surveyed, subdivided and platted into lots, blocks,
14 or tracts and lay out, reserve for public use, and improve streets,
15 roads, alleys, slips, and other public places. It may grant or sublet
16 any lot, block, or tract therein for commercial, manufacturing, or
17 industrial purposes and reserve, receive and collect rents therefrom.
18 It may expend the rents received therefrom in making and maintaining
19 public improvements therein, and if any surplus remains at the end of
20 any fiscal year, may transfer it to the city's or town's current
21 expense fund.

22 **Sec. 14.** RCW 35.13.280 and 1983 c 3 s 54 are each amended to read
23 as follows:

24 The annexation by any city or town of any territory pursuant to
25 those provisions of chapter 35.10 RCW which relate to the annexation of
26 a (~~(third-class)~~) city or town to a (~~(first-class)~~) city or town, or
27 pursuant to the provisions of chapter 35.13 RCW shall cancel, as of the
28 effective date of such annexation, any franchise or permit theretofore
29 granted to any person, firm or corporation by the state of Washington,
30 or by the governing body of such annexed territory, authorizing or
31 otherwise permitting the operation of any public transportation,
32 garbage collection and/or disposal or other similar public service
33 business or facility within the limits of the annexed territory, but
34 the holder of any such franchise or permit canceled pursuant to this
35 section shall be forthwith granted by the annexing city or town a
36 franchise to continue such business within the annexed territory for a
37 term of not less than five years from the date of issuance thereof, and

1 the annexing city or town, by franchise, permit or public operation,
2 shall not extend similar or competing services to the annexed territory
3 except upon a proper showing of the inability or refusal of such
4 person, firm or corporation to adequately service said annexed
5 territory at a reasonable price: PROVIDED, That the provisions of this
6 section shall not preclude the purchase by the annexing city or town of
7 said franchise, business, or facilities at an agreed or negotiated
8 price, or from acquiring the same by condemnation upon payment of
9 damages, including a reasonable amount for the loss of the franchise or
10 permit. In the event that any person, firm or corporation whose
11 franchise or permit has been canceled by the terms of this section
12 shall suffer any measurable damages as a result of any annexation
13 pursuant to the provisions of the laws above-mentioned, such person,
14 firm or corporation shall have a right of action against any city or
15 town causing such damages.

16 **Sec. 15.** RCW 35.23.170 and 1973 c 76 s 1 are each amended to read
17 as follows:

18 ((City)) Councils of second class cities ((of the second, third and
19 fourth class)) and towns may provide by ordinance, for a board of park
20 commissioners, not to exceed seven in number, to be appointed by the
21 mayor, with the consent of the city council, from citizens of
22 recognized fitness for such position. ((No person shall be ineligible
23 as a commissioner by reason of sex and)) No commissioner shall receive
24 any compensation. The first commissioners shall determine by lot whose
25 term of office shall expire each year, and a new commissioner shall be
26 appointed annually to serve for a term of years corresponding in number
27 to the number of commissioners in order that one term shall expire each
28 year. Such board of park commissioners shall have only such powers and
29 authority with respect to the management, supervision, and control of
30 parks and recreational facilities and programs as are granted to it by
31 the ((legislative body of cities of the second, third, and fourth
32 class)) council.

33 **Sec. 16.** RCW 35.23.270 and 1965 c 7 s 35.23.270 are each amended
34 to read as follows:

35 A majority of the ((councilmen)) councilmembers shall constitute a
36 quorum for the transaction of business. A less number may compel the
37 attendance of absent members and may adjourn from time to time. The

1 council shall determine its rules of proceedings. The council may
2 punish their members for disorderly conduct and upon written charges
3 entered upon the journal therefor, may, after trial, expel a member by
4 two-thirds vote of all the members elected. All orders of the city
5 council shall be entered upon the journal of its proceedings, which
6 journal shall be signed by the officer who presided at the meeting.
7 The journal shall be kept by the clerk under the council's direction.

8 **Sec. 17.** RCW 35.23.352 and 1989 c 431 s 56 are each amended to
9 read as follows:

10 (1) Any second (~~or third~~) class city or any town may construct
11 any public works, as defined in RCW 39.04.010, by contract or day labor
12 without calling for bids therefor whenever the estimated cost of the
13 work or improvement, including cost of materials, supplies and
14 equipment will not exceed the sum of thirty thousand dollars if more
15 than one craft or trade is involved with the public works, or twenty
16 thousand dollars if a single craft or trade is involved with the public
17 works or the public works project is street signalization or street
18 lighting. A public works project means a complete project. The
19 restrictions in this subsection do not permit the division of the
20 project into units of work or classes of work to avoid the restriction
21 on work that may be performed by day labor on a single project.

22 Whenever the cost of the public work or improvement, including
23 materials, supplies and equipment, will exceed these figures, the same
24 shall be done by contract. All such contracts shall be let at public
25 bidding upon posting notice calling for sealed bids upon the work. The
26 notice thereof shall be posted in a public place in the city or town
27 and by publication in the official newspaper, or a newspaper of general
28 circulation most likely to bring responsive bids, once each week for
29 two consecutive weeks before the date fixed for opening the bids. The
30 notice shall generally state the nature of the work to be done that
31 plans and specifications therefor shall then be on file in the city or
32 town hall for public inspections, and require that bids be sealed and
33 filed with the council or commission within the time specified therein.
34 Each bid shall be accompanied by a bid proposal deposit in the form of
35 a cashier's check, postal money order, or surety bond to the council or
36 commission for a sum of not less than five percent of the amount of the
37 bid, and no bid shall be considered unless accompanied by such bid
38 proposal deposit. The council or commission of the city or town shall

1 let the contract to the lowest responsible bidder or shall have power
2 by resolution to reject any or all bids and to make further calls for
3 bids in the same manner as the original call.

4 When the contract is let then all bid proposal deposits shall be
5 returned to the bidders except that of the successful bidder which
6 shall be retained until a contract is entered into and a bond to
7 perform the work furnished, with surety satisfactory to the council or
8 commission, in the full amount of the contract price. If the bidder
9 fails to enter into the contract in accordance with his bid and furnish
10 a bond within ten days from the date at which he is notified that he is
11 the successful bidder, the check or postal money order and the amount
12 thereof shall be forfeited to the council or commission or the council
13 or commission shall recover the amount of the surety bond.

14 If no bid is received on the first call the council or commission
15 may readvertise and make a second call, or may enter into a contract
16 without any further call or may purchase the supplies, material or
17 equipment and perform the work or improvement by day labor.

18 (2) The allocation of public works projects to be performed by city
19 or town employees shall not be subject to a collective bargaining
20 agreement.

21 (3) In lieu of the procedures of subsection (1) of this section, a
22 second (~~or third~~) class city or a town may use a small works roster
23 and award contracts under this subsection for contracts of one hundred
24 thousand dollars or less.

25 (a) The city or town may maintain a small works roster comprised of
26 all contractors who have requested to be on the roster and are, where
27 required by law, properly licensed or registered to perform such work
28 in this state.

29 (b) Whenever work is done by contract, the estimated cost of which
30 is one hundred thousand dollars or less, and the city or town uses the
31 small works roster, the city or town shall invite proposals from all
32 appropriate contractors on the small works roster: PROVIDED, That
33 whenever possible, the city or town shall invite at least one proposal
34 from a minority or woman contractor who shall otherwise qualify under
35 this section. The invitation shall include an estimate of the scope
36 and nature of the work to be performed, and materials and equipment to
37 be furnished.

38 (c) When awarding such a contract for work, the estimated cost of
39 which is one hundred thousand dollars or less, the city or town shall

1 award the contract to the contractor submitting the lowest responsible
2 bid.

3 (4) (~~After September 1, 1987, each second class city, third class~~
4 ~~city, and town shall use~~) The form required by RCW 43.09.205 shall be
5 to account and record costs of public works in excess of five thousand
6 dollars that are not let by contract.

7 (5) The cost of a separate public works project shall be the costs
8 of the materials, equipment, supplies, and labor on that construction
9 project.

10 (6) Any purchase of supplies, material, equipment or services other
11 than professional services, except for public work or improvement,
12 where the cost thereof exceeds seven thousand five hundred dollars
13 shall be made upon call for bids: PROVIDED, That the limitations
14 herein shall not apply to any purchases of materials at auctions
15 conducted by the government of the United States, any agency thereof or
16 by the state of Washington or a political subdivision thereof.

17 (7) Bids shall be called annually and at a time and in the manner
18 prescribed by ordinance for the publication in a newspaper published or
19 of general circulation in the city or town of all notices or newspaper
20 publications required by law. The contract shall be awarded to the
21 lowest responsible bidder.

22 (8) For advertisement and competitive bidding to be dispensed with
23 as to purchases between seven thousand five hundred and fifteen
24 thousand dollars, the (~~city legislative authority~~) council or
25 commission must authorize by resolution a procedure for securing
26 telephone and/or written quotations from enough vendors to assure
27 establishment of a competitive price and for awarding the contracts for
28 purchase of materials, equipment, or services to the lowest responsible
29 bidder. Immediately after the award is made, the bid quotations
30 obtained shall be recorded and open to public inspection and shall be
31 available by telephone inquiry.

32 (9) These requirements for purchasing may be waived by resolution
33 of the city or town council or commission which declared that the
34 purchase is clearly and legitimately limited to a single source or
35 supply within the near vicinity, or the materials, supplies, equipment,
36 or services are subject to special market conditions, and recites why
37 this situation exists. Such actions are subject to RCW 39.30.020.

1 (10) This section does not apply to performance-based contracts, as
2 defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A
3 RCW.

4 (11) Nothing in this section shall prohibit any second (~~or third~~)
5 class city or any town from allowing for preferential purchase of
6 products made from recycled materials or products that may be recycled
7 or reused.

8 **Sec. 18.** RCW 35.23.440 and 1986 c 278 s 4 are each amended to read
9 as follows:

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

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

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

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

32 (4) Peddlers', etc., licenses: To license, for the purposes of
33 revenue and regulation, tax, prohibit, suppress, and regulate all
34 raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands,
35 booths, or sheds; and to regulate as authorized by state law all
36 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 constitute a civil violation subject to
20 monetary penalties or to determine and impose fines for forfeitures and
21 penalties that shall be incurred for the breach or violation of any
22 city ordinance, notwithstanding that the act constituting a violation
23 of any such ordinance may also be punishable under the state laws, and
24 also for a violation of the provisions of this chapter, when no penalty
25 is affixed thereto or provided by law, and to appropriate all such
26 fines, penalties, and forfeitures for the benefit of the city; but no
27 penalty to be enforced shall exceed for any offense the amount of five
28 thousand dollars or imprisonment for one year, or both; and every
29 violation of any lawful order, regulation, or ordinance of the city
30 council of such city is hereby declared a misdemeanor or public
31 offense, and all prosecutions for the same may be in the name of the
32 state of Washington: PROVIDED, That violation of an order, regulation,
33 or ordinance relating to traffic including parking, standing, stopping,
34 and pedestrian offenses is a traffic infraction, except that violation
35 of an order, regulation, or ordinance equivalent to those provisions of
36 Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

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

1 (31) (~~(Elections:—To provide for conducting elections and~~
2 ~~establishing election precincts when necessary, to be as near as may be~~
3 ~~in conformity with the state law.~~

4 ~~(32))~~ Examine official accounts: To examine, either in open
5 session or by committee, the accounts or doings of all officers or
6 other persons having the care, management, or disposition of moneys,
7 property, or business of the city.

8 ~~((33))~~ (32) Contracts: To make all appropriations, contracts, or
9 agreements for the use or benefit of the city and in the city's name.

10 ~~((34))~~ (33) Streets and sidewalks: To provide by ordinance for
11 the opening, laying out, altering, extending, repairing, grading,
12 paving, planking, graveling, macadamizing, or otherwise improving of
13 public streets, avenues, and other public ways, or any portion of any
14 thereof; and for the construction, regulation, and repair of sidewalks
15 and other street improvements, all at the expense of the property to be
16 benefited thereby, without any recourse, in any event, upon the city
17 for any portion of the expense of such work, or any delinquency of the
18 property holders or owners, and to provide for the forced sale thereof
19 for such purposes; to establish a uniform grade for streets, avenues,
20 sidewalks, and squares, and to enforce the observance thereof.

21 ~~((35))~~ (34) Waterways: To clear, cleanse, alter, straighten,
22 widen, fill up, or close any waterway, drain, or sewer, or any
23 watercourse in such city when not declared by law to be navigable, and
24 to assess the expense thereof, in whole or in part, to the property
25 specially benefited.

26 ~~((36))~~ (35) Sewerage: To adopt, provide for, establish, and
27 maintain a general system of sewerage, draining, or both, and the
28 regulation thereof; to provide funds by local assessments on the
29 property benefited for the purpose aforesaid and to determine the
30 manner, terms, and place of connection with main or central lines of
31 pipes, sewers, or drains established, and compel compliance with and
32 conformity to such general system of sewerage or drainage, or both, and
33 the regulations of said council thereto relating, by the infliction of
34 suitable penalties and forfeitures against persons and property, or
35 either, for nonconformity to, or failure to comply with the provisions
36 of such system and regulations or either.

37 ~~((37))~~ (36) Buildings and parks: To provide for all public
38 buildings, public parks, or squares, necessary or proper for the use of
39 the city.

1 (~~(38)~~) (37) Franchises: To permit the use of the streets for
2 railroad or other public service purposes.

3 (~~(39)~~) (38) Payment of judgments: To order paid any final
4 judgment against such city, but none of its lands or property of any
5 kind or nature, taxes, revenue, franchise, or rights, or interest,
6 shall be attached, levied upon, or sold in or under any process
7 whatsoever.

8 (~~(40)~~) (39) Weighing of fuel: To regulate the sale of coal and
9 wood in such city, and may appoint a measurer of wood and weigher of
10 coal for the city, and define his duties, and may prescribe his term of
11 office, and the fees he shall receive for his services: PROVIDED, That
12 such fees shall in all cases be paid by the parties requiring such
13 service.

14 (~~(41)~~) (40) Hospitals, etc.: To erect and establish hospitals
15 and pesthouses and to control and regulate the same.

16 (~~(42)~~) (41) Waterworks: To provide for the erection, purchase,
17 or otherwise acquiring of waterworks within or without the corporate
18 limits of the city to supply such city and its inhabitants with water,
19 and to regulate and control the use and price of the water so supplied.

20 (~~(43)~~) (42) City lights: To provide for lighting the streets and
21 all public places of the city and for furnishing the inhabitants of the
22 city with gas, electric, or other light, and for the ownership,
23 purchase or acquisition, construction, or maintenance of such works as
24 may be necessary or convenient therefor: PROVIDED, That no purchase of
25 any such water plant or light plant shall be made without first
26 submitting the question of such purchase to the electors of the city.

27 (~~(44)~~) (43) Parks: To acquire by purchase or otherwise land for
28 public parks, within or without the limits of the city, and to improve
29 the same.

30 (~~(45)~~) (44) Bridges: To construct and keep in repair bridges,
31 and to regulate the use thereof.

32 (~~(46)~~) (45) Power of eminent domain: In the name of and for the
33 use and benefit of the city, to exercise the right of eminent domain,
34 and to condemn lands and property for the purposes of streets, alleys,
35 parks, public grounds, waterworks, or for any other municipal purpose
36 and to acquire by purchase or otherwise such lands and property as may
37 be deemed necessary for any of the corporate uses provided for by this
38 title, as the interests of the city may from time to time require.

1 (~~(47)~~) (46) To provide for the assessment of taxes: To provide
2 for the assessment, levying, and collecting of taxes on real and
3 personal property for the corporate uses and purposes of the city and
4 to provide for the payment of the debts and expenses of the
5 corporation.

6 (~~(48)~~) (47) Local improvements: To provide for making local
7 improvements, and to levy and collect special assessments on the
8 property benefited thereby and for paying the same or any portion
9 thereof; to determine what work shall be done or improvements made, at
10 the expense, in whole or in part, of the adjoining, contiguous, or
11 proximate property, and to provide for the manner of making and
12 collecting assessments therefor.

13 (~~(49)~~) (48) Cemeteries: To regulate the burial of the dead and
14 to establish and regulate cemeteries, within or without the corporate
15 limits, and to acquire lands therefor by purchase or otherwise.

16 (~~(50)~~) (49) Fire limits: To establish fire limits with proper
17 regulations and to make all needful regulations for the erection and
18 maintenance of buildings or other structures within the corporate
19 limits as safety of persons or property may require, and to cause all
20 such buildings and places as may from any cause be in a dangerous state
21 to be put in a safe condition; to regulate the manner in which stone,
22 brick, and other buildings, party walls, and partition fences shall be
23 constructed and maintained.

24 (~~(51)~~) (50) Safety and sanitary measures: To require the owners
25 of public halls, theaters, hotels, and other buildings to provide
26 suitable means of exit and proper fire escapes; to provide for the
27 cleaning and purification of watercourses and canals and for the
28 draining and filling up of ponds on private property within its limits
29 when the same shall be offensive to the senses or dangerous to the
30 health, and to charge the expense thereof to the property specially
31 benefited, and to regulate and control and provide for the prevention
32 and punishment of the defilement or pollution of all streams running in
33 or through its corporate limits and a distance of five miles beyond its
34 corporate limits, and of any stream or lake from which the water supply
35 of the city is or may be taken and for a distance of five miles beyond
36 its source of supply, and to make all quarantine and other regulations
37 as may be necessary for the preservation of the public health and to
38 remove all persons afflicted with any contagious disease to some
39 suitable place to be provided for that purpose.

1 (~~(52)~~) (51) To regulate liquor traffic: To regulate the selling
2 or giving away of intoxicating, spirituous, malt, vinous, mixed, or
3 fermented liquors as authorized by the general laws of the state.

4 (~~(53)~~) (52) To establish streets on tidelands: To project or
5 extend or establish streets over and across any tidelands within the
6 limits of such city.

7 (~~(54)~~) (53) To provide for the general welfare.

8 **Sec. 19.** RCW 35.23.455 and 1965 c 154 s 1 are each amended to read
9 as follows:

10 The legislative body of any second(~~(, third or fourth class~~
11 ~~municipality)) class city or town which contains, or abuts upon, any
12 bay, lake, sound, river or other navigable waters, may construct,
13 operate and maintain any boat harbor, marina, dock or other public
14 improvement, for the purposes of commerce, recreation or navigation.~~

15 **Sec. 20.** RCW 35.23.460 and 1991 sp.s. c 30 s 19 are each amended
16 to read as follows:

17 Subject to chapter 48.62 RCW, any second class city (~~(of the second~~
18 ~~or third class)) or town may contract with an insurance company
19 authorized to do business in this state to provide group insurance for
20 its employees including group false arrest insurance for its law
21 enforcement personnel, and pursuant thereto may use a portion of its
22 revenues to pay an employer's portion of the premium for such
23 insurance, and may make deductions from the payrolls of employees for
24 the amount of the employees' contribution and may apply the amount
25 deducted in payment of the employees' portion of the premium.~~

26 **Sec. 21.** RCW 35.23.470 and 1973 1st ex.s. c 195 s 16 are each
27 amended to read as follows:

28 Every city of the second class (~~(having less than eighteen thousand~~
29 ~~inhabitants)) may create a publicity fund to be used exclusively for
30 exploiting and advertising the general advantages and opportunities of
31 the city and its vicinity. After providing by ordinance for a
32 publicity fund the city council may use therefor an annual amount not
33 exceeding sixty-two and one-half cents per thousand dollars of assessed
34 valuation of the taxable property in the city.~~

1 **Sec. 22.** RCW 35.23.570 and 1965 c 7 s 35.23.570 are each amended
2 to read as follows:

3 Before letting any contract for the construction of any waterworks
4 for irrigation and domestic purposes, the mayor and council shall by
5 ordinance or resolution adopt the plans therefor and shall fix and
6 establish the assessment district, if the same is to be constructed at
7 the expense of the district, and such cities and towns are authorized
8 to charge the expense of such waterworks for irrigation and domestic
9 purposes to all the property included within such district which is
10 contiguous or proximate to any streets in which any main pipe or
11 lateral pipe of such waterworks for irrigation and domestic purposes,
12 is to be placed, and to levy special ~~((taxes))~~ assessments upon such
13 property to pay therefor, which assessment ~~((and tax))~~ shall be levied
14 in accordance with the last general assessment of the property within
15 said district for city purposes.

16 **Sec. 23.** RCW 35.23.020 and 1987 c 3 s 6 are each amended to read
17 as follows:

18 In a city initially classified as a second class city prior to
19 January 1, 1993, that retained its second class city plan of government
20 when the city reorganized as a noncharter code city, the elective
21 officers ~~((of a city of the second class))~~ shall consist of a mayor,
22 twelve ~~((councilmen))~~ councilmembers, a city clerk, and a city
23 treasurer.

24 **Sec. 24.** RCW 35.23.040 and 1987 c 3 s 7 are each amended to read
25 as follows:

26 ~~((A general municipal election shall be held biennially in second~~
27 ~~class cities not operating under the commission form of government in~~
28 ~~each odd-numbered year as provided in RCW 29.13.020.))~~

29 In a city initially classified as a second class city prior to
30 January 1, 1993, that retained its second class city plan of government
31 when the city reorganized as a noncharter code city, the terms of
32 office of mayor, city clerk, city treasurer and ~~((councilmen in such~~
33 cities)) councilmembers shall be four years, and until their successors
34 are elected and qualified and assume office in accordance with RCW
35 29.04.170, but not more than six ~~((councilmen))~~ councilmembers normally
36 shall be elected in any one year to fill a full term.

1 **Sec. 25.** RCW 35.23.080 and 1965 c 7 s 35.23.080 are each amended
2 to read as follows:

3 In a city initially classified as a second class city prior to
4 January 1, 1993, that retained its second class city plan of government
5 when the city reorganized as a noncharter code city, the mayor shall be
6 the chief executive officer of the city(~~(.—He))~~) and shall:

7 (1) Have general supervision over the several departments of the
8 city government and over all its interests;

9 (2) Preside over the city council when present;

10 (3) Once in three months, submit a general statement of the
11 condition of the various departments and recommend to the city council
12 such measures as (~~(he may))~~) the mayor deems expedient for the public
13 health or improvement of the city, its finances or government; and

14 (4) Countersign all warrants and licenses, deeds, leases and
15 contracts requiring signature issued under and by authority of the
16 city.

17 If there is a vacancy in the office of mayor or (~~(he))~~) the mayor is
18 absent from the city, or is unable from any cause to discharge the
19 duties of (~~(his))~~) the office, the president of the council shall act as
20 mayor, exercise all (~~(his))~~) the powers and be subject to all (~~(his))~~)
21 the duties of the mayor.

22 **Sec. 26.** RCW 35.23.120 and 1965 c 7 s 35.23.120 are each amended
23 to read as follows:

24 In a city initially classified as a second class city prior to
25 January 1, 1993, that retained its second class city plan of government
26 when the city reorganized as a noncharter code city, the appointive
27 officers (~~(of a city of the second class))~~) shall be a chief of police,
28 city attorney, health officer, and street commissioner; the council may
29 also create by ordinance the offices of superintendent of irrigation,
30 city engineer, harbor master, pound keeper, city jailer, chief of the
31 fire department, and any other offices necessary to discharge the
32 functions of the city and for whose election or appointment no other
33 provision is made. If a paid fire department is established therein a
34 chief engineer and one or more assistant engineers may be appointed.
35 If a free library and reading room is established therein five library
36 trustees shall be appointed. The council by ordinance shall prescribe
37 the duties of the officers and fix their compensation subject to the
38 provisions of any statutes pertaining thereto.

1 **Sec. 27.** RCW 35.23.150 and 1965 c 7 s 35.23.150 are each amended
2 to read as follows:

3 In a city initially classified as a second class city prior to
4 January 1, 1993, that retained its second class city plan of government
5 when the city reorganized as a noncharter code city, the ((city))
6 council shall create the office of city health officer, prescribe
7 ((his)) the duties and qualifications of this office and fix ((his))
8 the compensation for the office.

9 **Sec. 28.** RCW 35.23.160 and 1965 c 7 s 35.23.160 are each amended
10 to read as follows:

11 In a city initially classified as a second class city prior to
12 January 1, 1993, that retained its second class city plan of government
13 when the city reorganized as a noncharter code city, the street
14 commissioner shall be under the direction of the mayor and city council
15 shall have control of the streets and public places of the city and
16 shall perform such duties as the city council may prescribe.

17 **Sec. 29.** RCW 35.23.180 and 1965 c 7 s 35.23.180 are each amended
18 to read as follows:

19 In a city initially classified as a second class city prior to
20 January 1, 1993, that retained its second class city plan of government
21 when the city reorganized as a noncharter code city, the mayor shall
22 appoint all the appointive officers of the city subject to confirmation
23 by the city council. If the council refuses to confirm any nomination
24 of the mayor, ((he)) the mayor shall nominate another person for that
25 office within ten days thereafter, and may continue to so nominate
26 until ((his)) a nominee is confirmed. If the mayor fails to make
27 another nomination for the same office within ten days after the
28 rejection of a nominee, the city council shall elect a suitable person
29 to fill the office during the term. The affirmative vote of not less
30 than seven ((councilmen)) councilmembers is necessary to confirm any
31 nomination made by the mayor.

32 **Sec. 30.** RCW 35.23.190 and 1987 c 3 s 8 are each amended to read
33 as follows:

34 Before entering upon ((his)) official duties and within ten days
35 after receiving notice of ((his election or appointment)) being elected
36 or appointed to city office, every officer of ((the)) a city initially

1 classified as a second class city prior to January 1, 1993, that
2 retained its second class city plan of government when the city
3 reorganized as a noncharter code city shall qualify by taking the oath
4 of office and by filing such bond duly approved as may be required ((of
5 him)). The oath of office shall be filed with the county auditor. If
6 no notice of election or appointment was received, the officer must
7 qualify on or before the date fixed for the assumption ((~~by him~~)) of
8 the duties of the office ((~~to which he was elected or appointed~~)). The
9 city council shall fix the amount of all official bonds and may
10 designate what officers shall be required to give bonds in addition to
11 those required to do so by statute.

12 ((~~The clerk, treasurer, city attorney, chief of police, and street~~
13 ~~commissioner shall each execute an official bond in such penal sum as~~
14 ~~the city council by ordinance may determine, conditioned for the~~
15 ~~faithful performance of their duties, including in the same bond the~~
16 ~~duties of all offices of which he is the ex officio incumbent.~~))

17 All official bonds shall be approved by the city council and when
18 so approved shall be filed with the city clerk except the city clerk's
19 which shall be filed with the mayor. No city officer shall be eligible
20 as a surety upon any bond running to the city as obligee.

21 The city council may require a new or additional bond of any
22 officer whenever it deems it expedient.

23 **Sec. 31.** RCW 35.23.250 and 1965 c 7 s 35.23.250 are each amended
24 to read as follows:

25 In a city initially classified as a second class city prior to
26 January 1, 1993, that retained its second class city plan of government
27 when the city reorganized as a noncharter code city, the mayor and
28 twelve ((~~councilmen~~)) councilmembers shall constitute the city council
29 ((and at their first meeting after taking office)). At the first
30 council meeting in each calendar year, the city council shall elect one
31 of their own body to serve as president of the council.

32 The mayor shall preside at all meetings at which ((~~he~~)) the mayor
33 is present. In the absence of the mayor, the president of the council
34 shall preside. In the absence of both the mayor and the president of
35 the council, the council may elect a president pro tempore from its own
36 body ((~~or any other elector of the city may be elected president pro~~
37 ~~tempore~~)). The president pro tempore shall have all the powers of the
38 president of the council during the session of the council at which the

1 president pro tempore is presiding (~~except that if he is not a member~~
2 ~~of the council he shall have no vote~~)).

3 **Sec. 32.** RCW 35.23.280 and 1965 c 7 s 35.23.280 are each amended
4 to read as follows:

5 In a city initially classified as a second class city prior to
6 January 1, 1993, that retained its second class city plan of government
7 when the city reorganized as a noncharter code city, the mayor shall
8 have a vote only in the case of a tie in the votes of the
9 (~~councilmen~~) councilmembers. The president of the council while
10 presiding or the president pro tempore(~~(, if a councilman,)~~) shall have
11 the right to vote upon all questions coming before the council.

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

16 **Sec. 33.** RCW 35.23.530 and 1965 c 7 s 35.23.530 are each amended
17 to read as follows:

18 (~~At any time not within three months previous to an annual~~
19 ~~election the city council of a second class city~~) In any city
20 initially classified as a second class city prior to January 1, 1993,
21 that retained its second class city plan of government when the city
22 reorganized as a noncharter code city, the city council may divide the
23 city into wards, not exceeding six in all, or change the boundaries of
24 existing wards at any time less than one hundred twenty days before a
25 municipal general election. No change in the boundaries of wards shall
26 affect the term of any (~~councilman, but he shall serve out his term in~~
27 ~~the ward of his residence at the time of his election~~) councilmember:
28 PROVIDED, That if this results in one ward being represented by more
29 (~~councilmen~~) councilmembers than the number to which it is entitled
30 those having the shortest unexpired terms shall be assigned by the
31 council to wards where there is a vacancy. Wards shall be redrawn as
32 provided in RCW 29.70.100.

33 The representation of each ward in the city council shall be in
34 proportion to the population as nearly as is practicable.

35 No person shall be eligible to the office of (~~councilman~~)
36 councilmember unless (~~he~~) the councilmember resides in the ward for
37 which (~~he~~) the councilmember is elected on the date of (~~his~~) the

1 election and removal of ~~((his))~~ the councilmember's residence from the
2 ward for which ~~((he))~~ the councilmember was elected renders ~~((his))~~ the
3 office vacant.

4 **Sec. 34.** RCW 35.24.020 and 1987 c 3 s 9 are each amended to read
5 as follows:

6 The government of a ~~((third))~~ second class city shall be vested in
7 a mayor, a city council of seven members, a city attorney, a clerk, a
8 treasurer, all elective; and a chief of police, municipal judge, city
9 engineer, street superintendent, health officer and such other
10 appointive officers as may be provided for by ~~((statute or))~~ ordinance:
11 PROVIDED, That the council may enact an ordinance providing for the
12 appointment of the city clerk, city attorney, and treasurer by the
13 mayor, which appointment shall be subject to confirmation by a majority
14 vote of the city council. Such ordinance shall be enacted and become
15 effective not later than thirty days prior to the first day allowed for
16 filing declarations of candidacy for such offices when such offices are
17 subject to an approaching city primary election. Elective incumbent
18 city clerks, city attorneys, and city treasurers shall serve for the
19 remainder of their unexpired term notwithstanding any appointment made
20 pursuant to ~~((RCW 35.24.020))~~ this section and RCW 35.24.050. If a
21 free public library and reading room is established, five library
22 trustees shall be appointed. The city council by ordinance shall
23 prescribe the duties and fix the compensation of all officers:
24 PROVIDED, That the provisions of any such ordinance shall not be
25 inconsistent with any statute: PROVIDED FURTHER, That where the city
26 council finds that the appointment of a full time city engineer is
27 unnecessary, it may in lieu of such appointment, by resolution provide
28 for the performance of necessary engineering services on either a part
29 time, temporary or periodic basis by a qualified engineering firm,
30 pursuant to any reasonable contract.

31 The mayor shall appoint and at his or her pleasure may remove all
32 appointive officers except as otherwise provided herein: PROVIDED,
33 That municipal judges shall be removed only upon conviction of
34 misconduct or malfeasance in office, or because of physical or mental
35 disability rendering ~~((him))~~ the municipal judge incapable of
36 performing the duties of his or her office. Every appointment or
37 removal must be in writing signed by the mayor and filed with the city
38 clerk.

1 **Sec. 35.** RCW 35.24.050 and 1979 ex.s. c 126 s 22 are each amended
2 to read as follows:

3 General municipal elections in (~~third~~) second class cities not
4 operating under the commission form of government shall be held
5 biennially in the odd-numbered years (~~as provided in RCW 29.13.020~~)
6 and shall be subject to general election law.

7 The terms of office of the mayor, city attorney, clerk, and
8 treasurer shall be four years and until their successors are elected
9 and qualified and assume office in accordance with RCW 29.04.170:
10 PROVIDED, That if the offices of city attorney, clerk, and treasurer
11 are made appointive, the city attorney, clerk, and treasurer shall not
12 be appointed for a definite term: PROVIDED FURTHER, That the term of
13 the elected treasurer shall not commence in the same biennium in which
14 the term of the mayor commences, nor in which the terms of the city
15 attorney and clerk commence if they are elected.

16 (~~A councilman at large shall be elected biennially for a two-year~~
17 ~~term and until his or her successor is elected and qualified and~~
18 ~~assumes office in accordance with RCW 29.04.170. Of the other six~~
19 ~~councilmen, three shall be elected in each biennial general municipal~~
20 ~~election for terms of four years and until their successors are elected~~
21 ~~and qualified and assume)) Council positions shall be numbered in each
22 second class city so that council position seven has a two-year term of
23 office and council positions one through six shall each have four-year
24 terms of office. Each councilmember shall remain in office until a
25 successor is elected and qualified and assumes office in accordance
26 with RCW 29.04.170.~~

27 In its discretion the council of a second class city may divide the
28 city by ordinance, into a convenient number of wards, not exceeding
29 six, fix the boundaries of the wards, and change the ward boundaries
30 from time to time and as provided in RCW 29.70.100. No change in the
31 boundaries of any ward shall be made within one hundred twenty days
32 next before the date of a general municipal election, nor within twenty
33 months after the wards have been established or altered. Whenever such
34 city is so divided into wards, the city council shall designate by
35 ordinance the number of councilmembers to be elected from each ward,
36 apportioning the same in proportion to the population of the wards.
37 Thereafter the councilmembers so designated shall be elected by the
38 voters resident in such ward, or by general vote of the whole city as
39 may be designated in such ordinance. Council position seven shall not

1 be associated with a ward and the person elected to that position may
2 reside anywhere in the city and voters throughout the city may vote at
3 a primary to nominate candidates for position seven, when a primary is
4 necessary, and at a general election to elect the person to council
5 position seven. When additional territory is added to the city it may
6 by act of the council, be annexed to contiguous wards without affecting
7 the right to redistrict at the expiration of twenty months after last
8 previous division. The removal of a councilmember from the ward for
9 which he or she was elected shall create a vacancy in such office.

10 **Sec. 36.** RCW 35.24.080 and 1987 c 3 s 10 are each amended to read
11 as follows:

12 In a city of the ~~((third))~~ second class, the treasurer, city
13 attorney, clerk, chief of police, and such other officers as the
14 council may require shall each, before entering upon the duties of
15 ~~((his))~~ office, take an oath of office and execute and file with the
16 clerk an official bond in such penal sum as the council shall
17 determine, conditioned for the faithful performance of his or her
18 duties and otherwise conditioned as may be provided by ordinance. The
19 oath of office shall be filed with the county auditor.

20 **Sec. 37.** RCW 35.24.100 and 1965 c 7 s 35.24.100 are each amended
21 to read as follows:

22 ~~((In cities of the third class if a member of the city council~~
23 ~~absents himself))~~ The council of a second class city may declare a
24 council position vacant if the councilmember is absent for three
25 consecutive regular meetings ~~((thereof, unless by))~~ without permission
26 of the council~~((, his office may be declared vacant by the council))~~.
27 Vacancies in all elected offices shall accrue as provided in RCW
28 42.12.010.

29 Vacancies in the city council or in the office of mayor shall be
30 filled by majority vote of the council. Vacancies in offices other
31 than that of mayor or city ~~((councilman))~~ councilmember shall be filled
32 by appointment of the mayor.

33 If a vacancy occurs in an elective office the appointee shall hold
34 office only until the next ~~((regular))~~ municipal general election
35 occurring within thirty or more days from the date of the occurrence of
36 the vacancy at which a person shall be elected to serve for the
37 remainder of the unexpired term.

1 If there is a temporary vacancy in an appointive office due to
2 illness, absence from the city or other temporary inability to act, the
3 mayor may appoint a temporary appointee to exercise the duties of the
4 office until the temporary disability of the incumbent is removed.

5 **Sec. 38.** RCW 35.24.142 and 1969 c 116 s 3 are each amended to read
6 as follows:

7 The city council of any city of the ~~((third))~~ second class is
8 authorized to provide by ordinance that the office of treasurer shall
9 be combined with that of clerk, or that the office of clerk shall be
10 combined with that of treasurer: PROVIDED, That such ordinance shall
11 not be voted upon until the next regular meeting after its
12 introduction.

13 **Sec. 39.** RCW 35.24.160 and 1987 c 3 s 11 are each amended to read
14 as follows:

15 The department of police in a city of the ~~((third))~~ second class
16 shall be under the direction and control of the chief of police subject
17 to the direction of the mayor. ~~((He))~~ Any police officer may pursue
18 and arrest violators of city ordinances beyond the city limits.

19 ~~((His lawful orders shall be promptly executed by deputies, police
20 officers and watchmen.))~~ Every citizen shall lend ~~((him))~~ the police
21 chief aid, when required, for the arrest of offenders and maintenance
22 of public order. With the concurrence of the mayor, ~~((he))~~ the police
23 chief may appoint additional ~~((policemen))~~ police officers to serve for
24 one day only under ~~((his))~~ orders of the chief in the preservation of
25 public order.

26 ~~((He))~~ The police chief shall have the same authority as that
27 conferred upon sheriffs for the suppression of any riot, public tumult,
28 disturbance of the peace, or resistance against the laws or the public
29 authorities in the lawful exercise of their functions and shall be
30 entitled to the same protection.

31 ~~((He))~~ The police chief shall perform such other services as may be
32 required by statute or ordinances of the city.

33 ~~((He shall execute and return all process issued and directed to
34 him by lawful authority and for his services shall receive the same
35 fees as are paid to constables.))~~

1 **Sec. 40.** RCW 35.24.190 and 1969 c 101 s 3 are each amended to read
2 as follows:

3 The members of the city council, at their first meeting ((after
4 ~~each general municipal election~~)) each calendar year and thereafter
5 whenever a vacancy occurs in the office of mayor pro tempore, shall
6 elect from among their number a mayor pro tempore, who shall hold
7 office at the pleasure of the council and in case of the absence of the
8 mayor, perform the duties of mayor except that he or she shall not have
9 the power to appoint or remove any officer or to veto any ordinance.
10 If a vacancy occurs in the office of mayor, the city council at their
11 next regular meeting shall elect from among their number a mayor, who
12 shall serve until a mayor is elected and certified at the next
13 municipal election.

14 The mayor and the mayor pro tempore shall have power to administer
15 oaths and affirmations, take affidavits and certify them. The mayor or
16 the mayor pro tempore when acting as mayor, shall sign all conveyances
17 made by the city and all instruments which require the seal of the
18 city.

19 **Sec. 41.** RCW 35.24.200 and 1965 c 107 s 1 are each amended to read
20 as follows:

21 (~~At all meetings of the city council, a majority of the councilmen
22 shall constitute a quorum for the transaction of business, but a less
23 number may adjourn from time to time and may compel the attendance of
24 absent members in such manner and under such penalties as may be
25 prescribed by ordinance.~~)

26 All meetings of the council shall be presided over by the mayor,
27 or, in ((his)) the mayor's absence, by the mayor pro tempore. The
28 mayor shall have a vote only in the case of a tie in the votes of the
29 ((~~councilmen~~)) councilmembers. If the clerk is absent from a council
30 meeting, the mayor or mayor pro tempore shall appoint one of the
31 members of the council as clerk pro tempore. The appointment of a
32 ((~~councilman~~)) councilmember as mayor pro tempore or clerk pro tempore
33 shall not in any way abridge ((his)) the councilmember's right to vote
34 upon all questions coming before the council.

35 (~~The city council may establish rules for the conduct of their
36 proceedings and punish any member or other person for disorderly
37 behavior at any meeting.~~)

1 The clerk shall keep a correct journal of all proceedings and at
2 the desire of any member the ayes and noes shall be taken on any
3 question and entered in the journal.

4 **Sec. 42.** RCW 35.24.210 and 1965 c 7 s 35.24.210 are each amended
5 to read as follows:

6 The enacting clause of all ordinances in a ~~((third))~~ second class
7 city shall be as follows: "The city council of the city of
8 do ordain as follows:"

9 No ordinance shall contain more than one subject and that must be
10 clearly expressed in its title.

11 No ordinance or any section thereof shall be revised or amended
12 unless the new ordinance sets forth the revised ordinance or the
13 amended section at full length.

14 No ordinance and no resolution or order shall have any validity or
15 effect unless passed by the votes of at least four ~~((councilmen))~~
16 councilmembers.

17 No ordinance shall take effect until five days after the date of
18 its publication unless otherwise provided in this title.

19 Every ordinance which passes the council in order to become valid
20 must be presented to the mayor; if ~~((he))~~ the mayor approves it, ~~((he))~~
21 the mayor shall sign it, but if not, ~~((he))~~ the mayor shall return it
22 with ~~((his))~~ written objections to the council and the council shall
23 cause ~~((his))~~ the mayor's objections to be entered at large upon the
24 journal and proceed to a reconsideration thereof. If upon
25 reconsideration five members of the council voting upon a call of yeas
26 and nays favor its passage, the ordinance shall become valid
27 notwithstanding the mayor's veto. If the mayor fails for ten days to
28 either approve or veto an ordinance, it shall become valid without
29 ~~((his))~~ the approval of the mayor.

30 Every ordinance shall be signed by the mayor and attested by the
31 clerk.

32 **Sec. 43.** RCW 35.24.305 and 1965 c 7 s 35.24.305 are each amended
33 to read as follows:

34 All ~~((cities of the third class, regardless of their form of
35 government, and all municipal corporations of the fourth class (towns),
36 are hereby))~~ second class cities and towns are authorized to use
37 parking meter revenue as a base for obtaining revenue bonds for use in

1 improvement of streets, roads, alleys, and such other related public
2 works.

3 **Sec. 44.** RCW 35.24.306 and 1965 c 7 s 35.24.306 are each amended
4 to read as follows:

5 (~~In incorporated cities of the third class~~) A second class city,
6 where commercial ambulance service is not readily available, (~~the~~
7 ~~city~~) shall have the power:

8 (1) To authorize the operation of municipally-owned ambulances
9 which may serve the city and may serve for emergencies surrounding
10 rural areas;

11 (2) To authorize the operation of other municipally-owned first aid
12 equipment which may serve the city and surrounding rural areas;

13 (3) To contract with the county or with another municipality for
14 emergency use of city-owned ambulances or other first aid equipment:
15 PROVIDED, That the county or other municipality shall contribute at
16 least the cost of maintenance and operation of the equipment
17 attributable to its use thereof; and

18 (4) To provide that such ambulance service may be used to transport
19 persons in need of emergency hospital care to hospitals beyond the city
20 limits.

21 The council may, in its discretion, make a charge for the service
22 authorized by this section: PROVIDED, That such ambulance service
23 shall not enter into competition or competitive bidding where private
24 ambulance service is available.

25 **Sec. 45.** RCW 35.24.330 and 1965 c 7 s 35.24.330 are each amended
26 to read as follows:

27 Every act or thing done or being within the limits of a (~~third~~)
28 second class city which is declared by law or by ordinance to be a
29 nuisance shall be a nuisance and shall be so considered in all actions
30 and proceedings. All remedies given by law for the prevention and
31 abatement of nuisances shall apply thereto.

32 **Sec. 46.** RCW 35.24.370 and 1973 1st ex.s. c 154 s 51 are each
33 amended to read as follows:

34 A (~~third~~) second class city may impose upon and collect from
35 every inhabitant of the city over the age of eighteen years an annual

1 street poll tax not exceeding two dollars and no other road poll tax
2 shall be collected within the limits of the city.

3 **Sec. 47.** RCW 35.24.400 and 1965 c 7 s 35.24.400 are each amended
4 to read as follows:

5 The city treasurer of any (~~third~~) second class city, by and with
6 the consent of the (~~city's~~) city council or finance committee of the
7 city council, may invest any portion of its local improvement guaranty
8 fund in the city's own guaranteed local improvement bonds in an amount
9 not to exceed ten percent of the total issue of bonds in any one local
10 improvement district: PROVIDED, That no such investment shall be made
11 in an amount which will affect the ability of the local improvement
12 guaranty fund to meet its obligations as they accrue, and that if all
13 the bonds have the same maturity, the bonds having the highest numbers
14 shall be purchased.

15 The interest received shall be credited to the local improvement
16 guaranty fund.

17 **Sec. 48.** RCW 35.24.410 and 1965 c 7 s 35.24.410 are each amended
18 to read as follows:

19 The city council of every city of the (~~third~~) second class may
20 contract for supplying the city with water, light, power, and heat for
21 municipal purposes; and within or without the city may acquire,
22 construct, repair, and manage pumps, aqueducts, reservoirs, plants, or
23 other works necessary or proper for irrigation purposes or for
24 supplying water, light, power, or heat or any byproduct thereof for the
25 use of the city and any person within the city and dispose of any
26 excess of its supply to any person without the city.

27 **Sec. 49.** RCW 35.24.420 and 1965 c 7 s 35.24.420 are each amended
28 to read as follows:

29 To pay the original cost of water, light, power, or heat systems,
30 every city of the (~~third~~) second class may issue:

31 (1) General bonds to be retired by general tax levies against all
32 the property within the city limits then existing or as they may
33 thereafter be extended; or

34 (2) Utility bonds under the general authority given to all cities
35 for the acquisition or construction of public utilities.

36 Extensions to plants may be made either

- 1 (1) By general bond issue,
- 2 (2) By general tax levies, or
- 3 (3) By creating local improvement districts in accordance with
- 4 statutes governing their establishment.

5 **Sec. 50.** RCW 35.24.440 and 1965 c 7 s 35.24.440 are each amended
6 to read as follows:

7 Proceedings attacking the validity of the consolidation of a city
8 of the ((~~third~~)) second class or the annexation of territory to a city
9 of the third class shall be by quo warranto only, instituted by the
10 prosecuting attorney of the county in which the city is located or by
11 a person interested in the proceedings whose interest must clearly be
12 shown. The quo warranto proceedings must be commenced within one year
13 after the consolidation or annexation proceedings complained of and no
14 error, irregularity, or defect of any kind shall be the basis for
15 invalidating a consolidation or annexation after one year.

16 **Sec. 51.** RCW 35.24.455 and 1984 c 258 s 206 are each amended to
17 read as follows:

18 A city of the ((~~third~~)) second class operating a municipal court
19 may not repeal in its entirety that portion of its municipal code
20 defining crimes or repeal a provision of its municipal code which
21 defines a crime equivalent to an offense listed in RCW 46.63.020 unless
22 the municipality has reached an agreement with the appropriate county
23 under chapter 39.34 RCW under which the county is to be paid a
24 reasonable amount for costs associated with prosecution, adjudication,
25 and sentencing in criminal cases filed in district court as a result of
26 the repeal. The agreement shall include provisions for periodic review
27 and renewal of the terms of the agreement. If the municipality and the
28 county are unable to agree on the terms for renewal of the agreement,
29 they shall be deemed to have entered into an agreement to submit the
30 issue to arbitration under chapter 7.04 RCW. Pending conclusion of the
31 arbitration proceeding, the terms of the agreement shall remain in
32 effect. The municipality and the county have the same rights and are
33 subject to the same duties as other parties who have agreed to submit
34 to arbitration under chapter 7.04 RCW.

35 **Sec. 52.** RCW 35.27.010 and 1965 c 7 s 35.27.010 are each amended
36 to read as follows:

1 Every (~~municipal corporation of the fourth class~~) town shall be
2 entitled the "Town of" (naming it), and by such name shall
3 have perpetual succession, may sue, and be sued in all courts and
4 places, and in all proceedings whatever; shall have and use a common
5 seal, alterable at the pleasure of the town authorities, and may
6 purchase, lease, receive, hold, and enjoy real and personal property
7 and control and dispose of the same for the common benefit.

8 **Sec. 53.** RCW 35.27.550 and 1965 c 7 s 35.27.550 are each amended
9 to read as follows:

10 Towns (~~of the fourth class~~) are authorized to provide off-street
11 parking space and facilities for motor vehicles, and the use of real
12 property for such purpose is declared to be a public use.

13 **Sec. 54.** RCW 35.31.050 and 1965 c 7 s 35.31.050 are each amended
14 to read as follows:

15 Every city of the second (~~or third~~) class and town may create an
16 accident fund upon which the clerk shall draw warrants for the full
17 amount of any judgment including interest and costs against the city or
18 town on account of personal injuries suffered by any person as shown by
19 a transcript of the judgment duly certified to the clerk. The warrants
20 shall be issued in denominations not less than one hundred dollars nor
21 more than five hundred dollars; they shall draw interest at the rate of
22 six percent per annum, shall be numbered consecutively and be paid in
23 the order of their issue.

24 **Sec. 55.** RCW 35.34.040 and 1985 c 175 s 7 are each amended to read
25 as follows:

26 All first(~~(7)~~) and second(~~(7 and third)~~) class cities and towns are
27 authorized to establish by ordinance a two-year fiscal biennium budget.
28 The ordinance shall be enacted at least six months prior to
29 commencement of the fiscal biennium and this chapter applies to all
30 cities and towns which utilize a fiscal biennium budget. Cities and
31 towns which establish a fiscal biennium budget are authorized to repeal
32 such ordinance and provide for reversion to a fiscal year budget. The
33 ordinance may only be repealed effective as of the conclusion of a
34 fiscal biennium. However, the city or town shall comply with chapter
35 35.32A or 35.33 RCW, whichever the case may be, in developing and

1 adopting the budget for the first fiscal year following repeal of the
2 ordinance.

3 **Sec. 56.** RCW 35.55.010 and 1965 c 7 s 35.55.010 are each amended
4 to read as follows:

5 If the city council of any city of the second (~~and third~~) class
6 deems it necessary or expedient on account of the public health,
7 sanitation, the general welfare, or other cause, to fill or raise the
8 grade of any marshlands, swamplands, tidelands, shorelands, or lands
9 commonly known as tideflats, or any other lowlands situated within the
10 limits of the city, and to clear and prepare the lands for such
11 filling, it may do so and assess the expense thereof, including the
12 cost of making compensation for property taken or damaged, and all
13 other costs and expense incidental to such improvement, to the property
14 benefited, except such amount of such expense as the city council may
15 direct to be paid out of the current or general expense fund.

16 If, in the judgment of the city council the special benefits for
17 any such improvement shall extend beyond the boundaries of the filled
18 area, the council may create an enlarged district which shall include,
19 as near as may be, all the property, whether actually filled or not,
20 which will be specially benefited by such improvement, and in such case
21 the council shall specify and describe the boundaries of such enlarged
22 district in the ordinance providing for such improvement and shall
23 specify that such portion of the total cost and expense of such
24 improvement as may not be borne by the current or general expense fund,
25 shall be distributed and assessed against all the property of such
26 enlarged district.

27 **Sec. 57.** RCW 35.55.130 and 1965 c 7 s 35.55.130 are each amended
28 to read as follows:

29 The city may guarantee the payment of the whole or any part of the
30 bonds issued against a local improvement district, but the guaranties
31 on the part of the city, other than a city operating under the council-
32 manager form or the commission form, shall be made only by ordinance
33 passed by the vote of not less than nine (~~councilmen~~) councilmembers
34 and the approval of the mayor in (~~cities of the second class~~)
35 noncharter code cities that retained the old second class city plan of
36 government with twelve council positions, and six (~~councilmen~~)
37 councilmembers and approval of the mayor in cities of the (~~third~~)

1 second class. In a city under the council-manager form of government,
2 such guaranties shall be made only in an ordinance passed by a vote of
3 three out of five or five out of seven (~~(councilmen)~~) councilmembers,
4 as the case may be, and approval of the mayor. In a city under the
5 commission form of government, such guaranties shall be made only in an
6 ordinance passed by a vote of two out of three of the commissioners.
7 The mayor's approval shall not be necessary in commission form cities.

8 **Sec. 58.** RCW 35.56.010 and 1965 c 7 s 35.56.010 are each amended
9 to read as follows:

10 If the city council or commission of any city of the first(~~(7)~~) or
11 second (~~(or third)~~) class in this state deems it necessary or expedient
12 on account of the public health, sanitation, the general welfare, or
13 other cause, to fill or raise the grade or elevation of any marshlands,
14 swamplands, tidelands or lands commonly known as tideflats, or any
15 other lands situated within the limits of such city and to clear and
16 prepare said lands for such filling it may do so by proceeding in
17 accordance with the provisions of this chapter.

18 For the purpose of filling and raising the grade or elevation of
19 such lands and to secure material therefor and to provide for the
20 proper drainage thereof after such fill has been effected, the city
21 council or commission may acquire rights of way (and where necessary or
22 desirable, may vacate, use and appropriate streets and alleys for such
23 purposes) and lay out, build, construct and maintain over and across
24 such lowlands, canals or artificial waterways of at least sufficient
25 width, depth and length to provide and afford the quantity of earth,
26 dirt and material required to complete such fill, and with the earth,
27 dirt and material removed in digging and constructing such canals and
28 waterways, fill and raise the grade or elevation of such marshlands,
29 swamplands, tidelands or tideflats; and such canals or waterways shall
30 be constructed of such width and depth (provided that all the earth,
31 dirt and other suitable material removed in constructing the same shall
32 be used to fill the lowlands as herein provided) as will make them
33 available, convenient and suitable to provide water frontage for
34 landings, wharves and other conveniences of navigation and commerce for
35 the use and benefit of the city and the public. If canals or waterways
36 are to be constructed as herein provided, such city may construct and
37 maintain the necessary bridges over and across the same; such canals or
38 waterways shall be forever under the control of such city and shall be

1 and become public thoroughfares and waterways for the use and benefit
2 of commerce, shipping, the city and the public generally.

3 The expense of making such improvement and in doing, accomplishing
4 and effecting all the work provided for in this chapter including the
5 cost of making compensation for property taken or damaged, and all
6 other cost and expense incidental to such improvement, shall be
7 assessed to the property benefited, except such amount of such expense
8 as the city council or commission, in its discretion, may direct to be
9 paid out of the current or general expense fund.

10 **Sec. 59.** RCW 35.61.010 and 1985 c 416 s 1 are each amended to read
11 as follows:

12 Cities of five thousand or more population and such contiguous
13 property the residents of which may decide in favor thereof in the
14 manner set forth in this chapter may create a metropolitan park
15 district for the management, control, improvement, maintenance, and
16 acquisition of parks, parkways, and boulevards(~~(:—PROVIDED, That no~~
17 ~~municipal corporation of the fourth class shall be included within such~~
18 ~~metropolitan park district, and any such fourth class municipal~~
19 ~~corporation heretofore included within such district is hereby~~
20 ~~automatically withdrawn)).~~

21 **Sec. 60.** RCW 35.69.010 and 1965 c 7 s 35.69.010 are each amended
22 to read as follows:

23 The term "street" as used herein includes boulevard, avenue,
24 street, alley, way, lane, square or place.

25 The term "city" includes any city of the first(~~(, second or third))~~
26 or second class or any other city of equal population working under a
27 special charter.

28 The term "sidewalk" includes any and all structures or forms of
29 street improvement included in the space between the street margin and
30 the roadway.

31 **Sec. 61.** RCW 35.70.020 and 1965 c 7 s 35.70.020 are each amended
32 to read as follows:

33 In all cities of the (~~(third))~~ second class and towns the burden
34 and expense of constructing sidewalks along the side of any street or
35 other public place shall devolve upon and be borne by the property
36 directly abutting thereon.

1 **Sec. 62.** RCW 35.70.100 and 1965 c 7 s 35.70.100 are each amended
2 to read as follows:

3 This chapter shall not be construed as repealing or amending any
4 provision relating to the improvement of streets or public places by
5 special assessments commonly known as local improvement laws, but shall
6 be considered as additional legislation and auxiliary thereto and the
7 city or town council, of any city of the (~~third~~) second class or town
8 before exercising the authority herein granted may by ordinance provide
9 for the application and enforcement of the provisions of this chapter
10 within the limitations herein specified.

11 **Sec. 63.** RCW 35.86A.020 and 1969 ex.s. c 204 s 2 are each amended
12 to read as follows:

13 Cities of the first(~~, second and third~~) and second class are
14 authorized and empowered to establish and maintain public off-street
15 parking facilities through a parking commission; the use of property
16 and property rights for such purpose is declared to be a public use;
17 and parking facilities under the control of such parking commission
18 shall be governed by the provisions of this chapter.

19 **Sec. 64.** RCW 35.86A.050 and 1969 ex.s. c 204 s 5 are each amended
20 to read as follows:

21 Any city of the first(~~, second or third~~) or second class may by
22 ordinance create a parking commission for the purpose of establishing
23 and operating off-street parking facilities.

24 Such parking commission shall consist of five members appointed by
25 the mayor and confirmed by the city council, who shall serve without
26 compensation but may be reimbursed for necessary expenses. One member
27 of the parking commission shall be selected from among persons actively
28 engaged in the private parking industry, if available.

29 Three of those first appointed shall be designated to serve for
30 one, two, and three years respectively, and two shall be designated to
31 serve four years. The terms for all subsequently appointed members
32 shall be four years. In event of any vacancy, the mayor, subject to
33 confirmation of the city council, shall make appointments to fill the
34 unexpired portion of the term.

35 A member may be reappointed, and shall hold office until his or her
36 successor has been appointed and has qualified. Members may be removed
37 by the mayor upon consent of the city council.

1 **Sec. 65.** RCW 35A.01.070 and 1979 ex.s. c 18 s 1 are each amended
2 to read as follows:

3 Where used in this title with reference to procedures established
4 by this title in regard to a change of plan or classification of
5 government, unless a different meaning is plainly required by the
6 context:

7 (1) "Classify" means a change from a city of the first(~~(, second,~~
8 ~~or third)) or second class, an unclassified city, or a town, to a code
9 city.~~

10 (2) "Classification" means either that portion of the general law
11 under which a city or a town operates under Title 35 RCW as a first(~~(,~~
12 ~~second, or third)) or second class city, unclassified city, or town, or
13 otherwise as a code city.~~

14 (3) "Organize" means to provide for officers after becoming a code
15 city, under the same general plan of government under which the city
16 operated prior to becoming a code city, pursuant to RCW 35A.02.055.

17 (4) "Organization" means the general plan of government under which
18 a city operates.

19 (5) "Plan of government" means (~~(either the)) a mayor-council form
20 of government under chapter 35A.12 RCW, council-manager form of
21 government under chapter 35A.13 RCW, or mayor-council, council-manager,
22 or commission form of government in general that is retained by a
23 noncharter code city as provided in RCW 35A.02.130, without regard to
24 variations in the number of elective offices or whether officers are
25 elective or appointive.~~

26 (6) "Reclassify" means changing from a code city to the
27 classification, if any, held by such a city immediately prior to
28 becoming a code city.

29 (7) "Reclassification" means changing from city or town operating
30 under Title 35 RCW to a city operating under Title 35A RCW, or vice
31 versa; a change in classification.

32 (8) "Reorganize" means changing the plan of government under which
33 a city or town operates to a different general plan of government, for
34 which an election of new officers under RCW 35A.02.050 is required. A
35 city or town shall not be deemed to have reorganized simply by
36 increasing or decreasing the number of members of its legislative body.

37 (9) "Reorganization" means a change in general plan of government
38 where an election of all new officers is required in order to
39 accomplish this change, but an increase or decrease in the number of

1 members of its legislative body shall not be deemed to constitute a
2 reorganization.

3 **Sec. 66.** RCW 35A.02.130 and 1967 ex.s. c 119 s 35A.02.130 are each
4 amended to read as follows:

5 Any incorporated city or town governed under a plan of government
6 authorized prior to the time this title takes effect may become a
7 noncharter code city without changing such plan of government by the
8 use of the petition-for-election or resolution-for-election procedures
9 provided in RCW 35A.02.060 and 35A.02.070 to submit to the voters a
10 proposal that such municipality adopt the classification of noncharter
11 code city while retaining its existing plan of government, and upon a
12 favorable vote on the proposal, such municipality shall be classified
13 as a noncharter code city and retain its old plan of government, such
14 reclassification to be effective upon the filing of the record of such
15 election with the office of the secretary of state. Insofar as the
16 provisions of RCW 35A.02.100 and 35A.02.110 are applicable to an
17 election on such a reclassification proposal they shall apply to such
18 election.

19 **Sec. 67.** RCW 35A.06.020 and 1967 ex.s. c 119 s 35A.06.020 are each
20 amended to read as follows:

21 The classifications of municipalities which existed prior to the
22 time this title goes into effect--first class cities, second class
23 cities, (~~((third class))~~) unclassified cities, and (~~((fourth class))~~)
24 towns--and the restrictions, limitations, duties, and obligations
25 specifically imposed by law upon such classes of cities and towns,
26 shall have no application to noncharter code cities, but every
27 noncharter code city, by adopting such classification, has elected to
28 be governed by the provisions of this title, with the powers granted
29 hereby. However, any code city that retains its old plan of government
30 is subject to the laws applicable to that old plan of government until
31 the city abandons its old plan of government and reorganizes and adopts
32 a plan of government under chapter 35A.12 or 35A.13 RCW.

33 **Sec. 68.** RCW 35A.06.030 and 1979 ex.s. c 18 s 14 are each amended
34 to read as follows:

35 By use of the resolution for election or petition for election
36 methods described in RCW 35A.06.040, any noncharter code city which has

1 operated for more than six consecutive years under one of the optional
2 plans of government authorized by this title, or for more than a
3 combined total of six consecutive years under a particular plan of
4 government both as a code city and under the same general plan under
5 Title 35 RCW immediately prior to becoming a code city, may abandon
6 such organization and may reorganize and adopt another plan of
7 government authorized for noncharter code cities, but only after having
8 been a noncharter code city for more than one year or a city after
9 operating for more than six consecutive years under a particular plan
10 of government as a noncharter code city (~~or may reclassify and adopt~~
11 ~~a plan of government authorized by the general law for municipalities~~
12 ~~of the highest class for which the population of such city qualifies~~
13 ~~it, or authorized for the class to which such city belonged immediately~~
14 ~~prior to becoming a noncharter code city, if any)): PROVIDED, That~~
15 these limitations shall not apply to a city seeking to adopt a charter.

16 In reorganization under a different general plan of government as
17 a noncharter code city, officers shall all be elected as provided in
18 RCW 35A.02.050. When a noncharter code city adopts a plan of
19 government other than those authorized under Title 35A RCW, such city
20 ceases to be governed under this optional municipal code and shall be
21 classified as a city or town of the class selected in the proceeding
22 for adoption of such new plan, with the powers granted to such class
23 under the general law.

24 **Sec. 69.** RCW 35A.10.010 and 1967 ex.s. c 119 s 35A.10.010 are each
25 amended to read as follows:

26 The classifications of municipalities which existed prior to the
27 time this title goes into effect--first class cities, second class
28 cities, (~~third class~~) unclassified cities, and (~~fourth class~~)
29 towns--and the restrictions, limitations, duties and obligations
30 specifically imposed by law upon such classes of cities and towns,
31 shall have no application to charter code cities, but every charter
32 code city, by adopting such classification, has elected to be governed
33 by its charter and by the provisions of this title, with the powers
34 thereby granted.

35 **Sec. 70.** RCW 35A.12.010 and 1985 c 106 s 1 are each amended to
36 read as follows:

1 The government of any noncharter code city or charter code city
2 electing to adopt the mayor-council plan of government authorized by
3 this chapter shall be vested in an elected mayor and an elected
4 council. The council of a noncharter code city having less than
5 twenty-five hundred inhabitants shall consist of five members; when
6 there are twenty-five hundred or more inhabitants, the council shall
7 consist of seven members: PROVIDED, That if the population of a city
8 after having become a code city decreases from twenty-five hundred or
9 more to less than twenty-five hundred, it shall continue to have a
10 seven member council. If, after a city has become a mayor-council code
11 city, its population increases to twenty-five hundred or more
12 inhabitants, the number of councilmanic offices in such city may
13 increase from five to seven members upon the affirmative vote of a
14 majority of the existing council to increase the number of councilmanic
15 offices in the city. When the population of a mayor-council code city
16 having five councilmanic offices increases to five thousand or more
17 inhabitants, the number of councilmanic offices in the city shall
18 increase from five to seven members. In the event of an increase in
19 the number of councilmanic offices, the city council shall, by majority
20 vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these
21 offices until the next municipal general election, at which election
22 one person shall be elected for a two-year term and one person shall be
23 elected for a four-year term. The number of inhabitants shall be
24 determined by the most recent official state or federal census or
25 determination by the state office of financial management. A charter
26 adopted under the provisions of this title, incorporating the mayor-
27 council plan of government set forth in this chapter, may provide for
28 an uneven number of (~~councilmen~~) councilmembers not exceeding eleven.

29 A noncharter code city of less than five thousand inhabitants which
30 has elected the mayor-council plan of government and which has seven
31 councilmanic offices may establish a five-member council in accordance
32 with the following procedure. At least six months prior to a municipal
33 general election, the city council shall adopt an ordinance providing
34 for reduction in the number of councilmanic offices to five. The
35 ordinance shall specify which two councilmanic offices, the terms of
36 which expire at the next general election, are to be terminated. The
37 ordinance shall provide for the renumbering of council positions and
38 shall also provide for a two-year extension of the term of office of a

1 retained councilmanic office, if necessary, in order to comply with RCW
2 35A.12.040.

3 However, a noncharter code city that has retained its old mayor-
4 council plan of government, as provided in RCW 35A.02.130, is subject
5 to the laws applicable to that old plan of government.

6 **Sec. 71.** RCW 35A.13.010 and 1987 c 3 s 16 are each amended to read
7 as follows:

8 The ((~~councilmen~~)) councilmembers shall be the only elective
9 officers of a code city electing to adopt the council-manager plan of
10 government authorized by this chapter, except where statutes provide
11 for an elective municipal judge. The council shall appoint an officer
12 whose title shall be "city manager" who shall be the chief executive
13 officer and head of the administrative branch of the city government.
14 The city manager shall be responsible to the council for the proper
15 administration of all affairs of the code city. The council of a
16 noncharter code city having less than twenty-five hundred inhabitants
17 shall consist of five members; when there are twenty-five hundred or
18 more inhabitants the council shall consist of seven members: PROVIDED,
19 That if the population of a city after having become a code city
20 decreases from twenty-five hundred or more to less than twenty-five
21 hundred, it shall continue to have a seven member council. If, after
22 a city has become a council-manager code city its population increases
23 to twenty-five hundred or more inhabitants, the number of councilmanic
24 offices in such city may increase from five to seven members upon the
25 affirmative vote of a majority of the existing council to increase the
26 number of councilmanic offices in the city. When the population of a
27 council-manager code city having five councilmanic offices increases to
28 five thousand or more inhabitants, the number of councilmanic offices
29 in the city shall increase from five to seven members. In the event of
30 an increase in the number of councilmanic offices, the city council
31 shall, by majority vote, pursuant to RCW 35A.13.020, appoint two
32 persons to serve in these offices until the next municipal general
33 election, at which election one person shall be elected for a two-year
34 term and one person shall be elected for a four-year term. The number
35 of inhabitants shall be determined by the most recent official state or
36 federal census or determination by the state office of financial
37 management. A charter adopted under the provisions of this title,
38 incorporating the council-manager plan of government set forth in this

1 chapter may provide for an uneven number of (~~councilmen~~)
2 councilmembers not exceeding eleven.

3 A noncharter code city of less than five thousand inhabitants which
4 has elected the council-manager plan of government and which has seven
5 councilmanic offices may establish a five-member council in accordance
6 with the following procedure. At least six months prior to a municipal
7 general election, the city council shall adopt an ordinance providing
8 for reduction in the number of councilmanic offices to five. The
9 ordinance shall specify which two councilmanic offices, the terms of
10 which expire at the next general election, are to be terminated. The
11 ordinance shall provide for the renumbering of council positions and
12 shall also provide for a two-year extension of the term of office of a
13 retained councilmanic office, if necessary, in order to comply with RCW
14 35A.12.040.

15 However, a noncharter code city that has retained its old council-
16 manager plan of government, as provided in RCW 35A.02.130, is subject
17 to the laws applicable to that old plan of government.

18 **Sec. 72.** RCW 35A.29.150 and 1970 ex.s. c 52 s 5 are each amended
19 to read as follows:

20 Except as otherwise provided in this chapter, municipal elections
21 in code cities having seven or more (~~councilmen~~) councilmembers shall
22 be conducted in accordance with the applicable provisions of Title 29
23 RCW relating to elections in first(~~, second and third~~) or second
24 class cities and the municipal elections in code cities having five
25 (~~councilmen~~) councilmembers shall be conducted in accordance with the
26 applicable provisions of Title 29 RCW relating to elections in (~~fourth~~
27 ~~class municipalities~~(-))towns((+)).

28 **Sec. 73.** RCW 36.94.050 and 1981 c 313 s 16 are each amended to
29 read as follows:

30 Prior to the adoption of or amendment of the sewerage and/or water
31 general plan, the county legislative authority (or authorities) shall
32 submit the plan or amendment to a review committee. The review
33 committee shall consist of:

34 (1) A representative of each (~~first and second class~~) city with
35 a population of ten thousand or more within or adjoining the area
36 selected by the mayor thereof (if there are no (~~first or second~~
37 ~~class~~) such cities within the plan area, then one representative

1 chosen by the mayor of the city with the largest population within the
2 plan area);

3 (2) One representative chosen at large by a majority vote of the
4 executive officers of the other cities or towns within or adjoining the
5 area;

6 (3) A representative chosen by the executive officer or the
7 ((chairman)) chair of the board, as the case may be, of each of the
8 other municipal corporations and private utilities serving one thousand
9 or more sewer and/or water customers located within the area;

10 (4) One representative chosen at large by a majority vote of the
11 executive officers and ((chairmen)) chairs of the boards, as the case
12 may be, of the other remaining municipal corporations within the area;

13 (5) A representative of each county legislative authority within
14 the planned area, selected by the ((chairman)) chair of each board or
15 county executive, as the case may be; and

16 (6) In counties where there is a metropolitan municipal corporation
17 operating a sewerage and/or water system in the area, the ((chairman))
18 chair of its council or such person as ((he)) the chair designates.

19 If the legislative authority rejects the plan pursuant to RCW
20 36.94.090, the review committee shall be deemed to be dissolved;
21 otherwise the review committee shall continue in existence to review
22 amendments to the plan. Vacancies on the committee shall be filled in
23 the same manner as the original appointment to that position.

24 Instead of a review committee for each plan area, the county
25 legislative authority or authorities may create a review committee for
26 the entire county or counties, and the review committee shall continue
27 in existence until dissolved by the county legislative authority or
28 authorities.

29 **Sec. 74.** RCW 39.36.040 and 1923 c 45 s 1 are each amended to read
30 as follows:

31 All orders, authorizations, allowances, contracts, payments or
32 liabilities to pay, made or attempted to be made in violation of this
33 chapter, shall be absolutely void and shall never be the foundation of
34 a claim against a taxing district(~~(: PROVIDED, That the limitations~~
35 ~~imposed by this chapter shall not apply to debts contracted by any~~
36 ~~taxing district prior to March 1, 1917: PROVIDED, FURTHER, That the~~
37 ~~limitations imposed by this chapter may be exceeded by cities of the~~
38 ~~second class for the purpose of constructing, renewing or repairing any~~

1 bridge or bridges across any navigable waters located therein, and as
2 to such indebtedness incurred for such purpose, the limits upon
3 municipal indebtedness imposed by the state Constitution shall apply.
4 No additional indebtedness shall be incurred by any city of the second
5 class for the purpose last above mentioned without the assent of three-
6 fifths of the qualified voters of such city voting thereon at an
7 election to be held therein for that purpose under and pursuant to the
8 provisions of *Sections 9538 to 9548, inclusive, of Remington's
9 Compiled Statutes of Washington. Any such additional indebtedness so
10 incurred shall not thereafter be taken into consideration in computing
11 the limitation of indebtedness of such city under the provisions of
12 this chapter)).

13 **Sec. 75.** RCW 41.44.050 and 1971 ex.s. c 271 s 13 are each amended
14 to read as follows:

15 Any city or town ((of the first, second, third or fourth class))
16 may elect to participate in the retirement system established by this
17 chapter: PROVIDED, That a first class city may establish or maintain
18 any other retirement system authorized by any other law or its charter.
19 The manner of election to participate in a retirement system under this
20 chapter shall be as follows:

- 21 (1) The legislative body therein by ordinance making such election;
22 (2) Approval by vote of the people of an ordinance initiated by the
23 voters making such election;
24 (3) Approval by vote of the people of an ordinance making such
25 election referended to the people by the legislative body.

26 Any ordinance providing for participation therein may on petition
27 of the voters be referended to the voters for approval or disapproval.

28 The referendum or initiative herein provided for shall be exercised
29 under the law relating to legislative initiative or referendum of the
30 particular city or town; and if the city or town be one for which the
31 law does not now provide such initiative or referendum, it shall be
32 exercised in the manner provided for legislative initiative and
33 referendum of cities having a commission form of government under
34 chapter ((116, Laws of 1911)) 35.17 RCW, the city or town council
35 performing the duties and functions under that law devolving on the
36 commission. A majority vote in the legislative body or by the
37 electorate shall be sufficient to carry or reject. Whenever any city
38 or town has elected to join the retirement system proper authorities in

1 such city shall immediately file with the board an application for
2 participation under the conditions included in this chapter on a form
3 approved by the board. In such application the city or town shall
4 agree to make the contributions required of participating cities in the
5 manner prescribed herein and shall state which employee group or groups
6 are to originally have membership in the system.

7 In the case of a state association of cities and towns, election to
8 participate shall be by majority vote of the board of directors of the
9 association.

10 **Sec. 76.** RCW 42.23.030 and 1991 c 363 s 120 are each amended to
11 read as follows:

12 No municipal officer shall be beneficially interested, directly or
13 indirectly, in any contract which may be made by, through or under the
14 supervision of such officer, in whole or in part, or which may be made
15 for the benefit of his or her office, or accept, directly or
16 indirectly, any compensation, gratuity or reward in connection with
17 such contract from any other person beneficially interested therein.
18 This section shall not apply in the following cases:

19 (1) The furnishing of electrical, water or other utility services
20 by a municipality engaged in the business of furnishing such services,
21 at the same rates and on the same terms as are available to the public
22 generally;

23 (2) The designation of public depositaries for municipal funds;

24 (3) The publication of legal notices required by law to be
25 published by any municipality, upon competitive bidding or at rates not
26 higher than prescribed by law for members of the general public;

27 (4) The designation of a school director as clerk or as both clerk
28 and purchasing agent of a school district;

29 (5) The employment of any person by a municipality, other than a
30 county with a population of one hundred twenty-five thousand or more,
31 a city of the first or second class, an irrigation district
32 encompassing in excess of fifty thousand acres, or a first class school
33 district, for unskilled day labor at wages not exceeding one hundred
34 dollars in any calendar month;

35 (6) The letting of any other contract (except a sale or lease as
36 seller or lessor) by a municipality, other than a county with a
37 population of one hundred twenty-five thousand or more, a city (~~of the~~
38 ~~first or second class~~) with the population of ten thousand or more, an

1 irrigation district encompassing in excess of fifty thousand acres, or
2 a first class school district: PROVIDED, That the total volume of
3 business represented by such contract or contracts in which a
4 particular officer is interested, singly or in the aggregate, as
5 measured by the dollar amount of the municipality's liability
6 thereunder, shall not exceed seven hundred fifty dollars in any
7 calendar month: PROVIDED FURTHER, That in the case of a particular
8 officer of a (~~third~~) second class city or town, or a noncharter
9 optional code city, or a member of any county fair board in a county
10 which has not established a county purchasing department pursuant to
11 RCW 36.32.240, the total volume of such contract or contracts
12 authorized in this subsection may exceed seven hundred fifty dollars in
13 any calendar month but shall not exceed nine thousand dollars in any
14 calendar year: PROVIDED FURTHER, That there shall be public disclosure
15 by having an available list of such purchases or contracts, and if the
16 supplier or contractor is an official of the municipality, he or she
17 shall not vote on the authorization;

18 (7) The leasing by a port district as lessor of port district
19 property to a municipal officer or to a contracting party in which a
20 municipal officer may be beneficially interested, if in addition to all
21 other legal requirements, a board of three disinterested appraisers,
22 who shall be appointed from members of the American institute of real
23 estate appraisers by the presiding judge of the superior court in the
24 county where the property is situated, shall find and the court finds
25 that all terms and conditions of such lease are fair to the port
26 district and are in the public interest;

27 (8) The letting of any contract for the driving of a school bus in
28 a second class school district: PROVIDED, That the terms of such
29 contract shall be commensurate with the pay plan or collective
30 bargaining agreement operating in the district;

31 (9) The letting of any contract to the spouse of an officer of a
32 second class school district in which less than two hundred full time
33 equivalent students are enrolled at the start of the school year as
34 defined in RCW 28A.150.040, when such contract is solely for employment
35 as a certificated or classified employee of the school district, or the
36 letting of any contract to the spouse of an officer of a second class
37 district in which less than five hundred full time equivalent students
38 are enrolled at the start of the school year as defined in RCW
39 28A.150.040, when such contract is solely for employment as a

1 substitute teacher for the school district: PROVIDED, That the terms
2 of such contract shall be commensurate with the pay plan or collective
3 bargaining agreement applicable to all district employees and the board
4 of directors has found, consistent with the written policy under RCW
5 28A.330.240, that there is a shortage of substitute teachers in the
6 school district.

7 **Sec. 77.** RCW 54.16.110 and 1979 ex.s. c 240 s 3 are each amended
8 to read as follows:

9 A district may sue in any court of competent jurisdiction, and may
10 be sued in the county in which its principal office is located or in
11 which it owns or operates facilities. No suit for damages shall be
12 maintained against a district except on a claim filed with the
13 commission complying in all respects with the terms and requirements
14 for claims for damages filed against cities ((of the second class)) or
15 towns.

16 **Sec. 78.** RCW 54.16.180 and 1991 c 363 s 135 are each amended to
17 read as follows:

18 A district may sell and convey, lease, or otherwise dispose of all
19 or any part of its works, plants, systems, utilities and properties,
20 after proceedings and approval by the voters of the district, as
21 provided for the lease or disposition of like properties and facilities
22 owned by cities and towns: PROVIDED, That the affirmative vote of
23 three-fifths of the voters voting at an election on the question of
24 approval of a proposed sale, shall be necessary to authorize such sale:
25 PROVIDED FURTHER, That a district may sell, convey, lease or otherwise
26 dispose of all or any part of the property owned by it, located outside
27 its boundaries, to another public utility district, city, town or other
28 municipal corporation without the approval of the voters; or may sell,
29 convey, lease, or otherwise dispose of to any person or public body,
30 any part, either within or without its boundaries, which has become
31 unserviceable, inadequate, obsolete, worn out or unfit to be used in
32 the operations of the system and which is no longer necessary, material
33 to, and useful in such operations, without the approval of the voters:
34 PROVIDED FURTHER, That a public utility district located within a
35 county with a population of from one hundred twenty-five thousand to
36 less ((that [than])) than two hundred ten thousand may sell and convey
37 to a city of the first class, which owns its own water system, all or

1 any part of a water system owned by said public utility district where
2 a portion of it is located within the boundaries of such city, without
3 approval of the voters upon such terms and conditions as the district
4 shall determine: PROVIDED FURTHER, That a public utility district
5 located in a county with a population of from twelve thousand to less
6 than eighteen thousand and bordered by the Columbia river may,
7 separately or in connection with the operation of a water system, or as
8 part of a plan for acquiring or constructing and operating a water
9 system, or in connection with the creation of another or subsidiary
10 local utility district, may provide for the acquisition or
11 construction, additions or improvements to, or extensions of, and
12 operation of a sewage system within the same service area as in the
13 judgment of the district commission is necessary or advisable in order
14 to eliminate or avoid any existing or potential danger to the public
15 health by reason of the lack of sewerage facilities or by reason of the
16 inadequacy of existing facilities: AND PROVIDED FURTHER, That a public
17 utility district located within a county with a population of from one
18 hundred twenty-five thousand to less than two hundred ten thousand
19 bordering on Puget Sound may sell and convey to any city of (~~the third~~
20 ~~class~~) or town with a population of less than ten thousand all or any
21 part of a water system owned by said public utility district without
22 approval of the voters upon such terms and conditions as the district
23 shall determine. Public utility districts are municipal corporations
24 for the purposes of this section and the commission shall be held to be
25 the legislative body and the president and secretary shall have the
26 same powers and perform the same duties as the mayor and city clerk and
27 the resolutions of the districts shall be held to be ordinances within
28 the meaning of the statutes governing the sale, lease, or other
29 disposal of public utilities owned by cities and towns.

30 **Sec. 79.** RCW 56.04.090 and 1945 c 140 s 16 are each amended to
31 read as follows:

32 Any sewer district organized, or reorganized, under this title may
33 be disincorporated in the same manner (insofar as the same is
34 applicable) as is provided in (~~sections 8914 to 8931, inclusive, of~~
35 ~~Remington's Revised Statutes, also Pierce's Perpetual Code 395-1 to~~
36 ~~395-35 [RCW 35.07.010 through 35.07.220]~~) RCW 35.07.010 through
37 35.07.220, for the disincorporation of the (~~third and fourth class~~)
38 cities and towns, except that the petition for disincorporation shall

1 be signed by not less than twenty-five percent of the voters in the
2 sewer district.

3 **Sec. 80.** RCW 57.04.100 and 1929 c 114 s 25 are each amended to
4 read as follows:

5 Any water district organized under this title may be
6 disincorporated in the same manner (insofar as the same is applicable)
7 as is provided in RCW 35.07.010 through 35.07.220 for the
8 disincorporation of (~~the third and fourth class~~) cities and towns,
9 except that the petition for disincorporation shall be signed by not
10 less than twenty-five percent of the voters in the water district.

11 **Sec. 81.** RCW 57.08.010 and 1991 c 82 s 4 are each amended to read
12 as follows:

13 (1)(a) A water district may acquire by purchase or condemnation, or
14 both, all property and property rights and all water and water rights,
15 both within and without the district, necessary for its purposes.

16 (b) A water district may lease real or personal property necessary
17 for its purposes for a term of years for which such leased property may
18 reasonably be needed where in the opinion of the board of water
19 commissioners such property may not be needed permanently or
20 substantial savings to the district can be effected thereby.

21 (c) The right of eminent domain shall be exercised in the same
22 manner and by the same procedure as provided for cities (~~of the third~~
23 ~~class~~) and towns, insofar as consistent with the provisions of this
24 title, except that all assessment rolls to be prepared and filed by
25 eminent domain commissioners or commissioners appointed by the court
26 shall be prepared and filed by the water district, and the duties
27 devolving upon the city treasurer are hereby imposed upon the county
28 treasurer.

29 (d) A water district may construct, condemn and purchase, purchase,
30 add to, maintain, and supply waterworks to furnish the district and
31 inhabitants thereof, and any city or town therein and any other
32 persons, both within and without the district, with an ample supply of
33 water for all uses and purposes public and private with full authority
34 to regulate and control the use, content, distribution, and price
35 thereof in such a manner as is not in conflict with general law and may
36 construct, acquire, or own buildings and other necessary district
37 facilities. Where a customer connected to the district's system uses

1 the water on an intermittent or transient basis, a district may charge
2 for providing water service to such a customer, regardless of the
3 amount of water, if any, used by the customer.

4 (e) A water district contiguous to Canada may contract with a
5 Canadian corporation for the purchase of water and for the
6 construction, purchase, maintenance, and supply of waterworks to
7 furnish the district and inhabitants thereof and residents of Canada
8 with an ample supply of water under terms approved by the board of
9 commissioners. Such waterworks may include facilities which result in
10 combined water supply and electric generation, provided that the
11 electricity generated thereby is a byproduct of the water supply
12 system.

13 (f) Such electricity may be used by the water district or sold to
14 any entity authorized by law to distribute electricity. Such
15 electricity is a byproduct when the electrical generation is
16 subordinate to the primary purpose of water supply.

17 (g) For such purposes, a water district may take, condemn and
18 purchase, purchase, acquire, and retain water from any public or
19 navigable lake, river, or watercourse, or any underflowing water and,
20 by means of aqueducts or pipe line conduct the same throughout such
21 water district and any city or town therein and carry it along and upon
22 public highways, roads, and streets, within and without such district.

23 (h) For the purpose of constructing or laying aqueducts or pipe
24 lines, dams, or waterworks or other necessary structures in storing and
25 retaining water or for any other lawful purpose such water district may
26 occupy the beds and shores up to the high water mark of any such lake,
27 river, or other watercourse, and may acquire by purchase or
28 condemnation such property or property rights or privileges as may be
29 necessary to protect its water supply from pollution.

30 (i) For the purposes of waterworks which include facilities for the
31 generation of electricity as a byproduct, nothing in this section may
32 be construed to authorize a water district to condemn electric
33 generating, transmission, or distribution rights or facilities of
34 entities authorized by law to distribute electricity, or to acquire
35 such rights or facilities without the consent of the owner.

36 (2) A water district may purchase and take water from any municipal
37 corporation.

38 (3) A water district may fix rates and charges for water supplied
39 and may charge property owners seeking to connect to the district's

1 water supply system, as a condition to granting the right to so
2 connect, in addition to the cost of such connection, such reasonable
3 connection charge as the board of commissioners shall determine to be
4 proper in order that such property owners shall bear their equitable
5 share of the cost of such system.

6 (a) For purposes of calculating a connection charge, the board of
7 commissioners shall determine the pro rata share of the cost of
8 existing facilities and facilities planned for construction within the
9 next ten years and contained in an adopted comprehensive plan and other
10 costs borne by the district which are directly attributable to the
11 improvements required by property owners seeking to connect to the
12 system. The cost of existing facilities shall not include those
13 portions of the system which have been donated or which have been paid
14 for by grants.

15 (b) The connection charge may include interest charges applied from
16 the date of construction of the water system until the connection, or
17 for a period not to exceed ten years, whichever is shorter, at a rate
18 commensurate with the rate of interest applicable to the district at
19 the time of construction or major rehabilitation of the water system,
20 or at the time of installation of the water lines to which the property
21 owner is seeking to connect.

22 (4)(a) A district may permit payment of the cost of connection and
23 the reasonable connection charge to be paid with interest in
24 installments over a period not exceeding fifteen years. The county
25 treasurer may charge and collect a fee of three dollars for each year
26 for the treasurer's services. Such fees shall be a charge to be
27 included as part of each annual installment, and shall be credited to
28 the county current expense fund by the county treasurer.

29 (b) Revenues from connection charges excluding permit fees are to
30 be considered payments in aid of construction as defined by department
31 of revenue rule.

32 (5) A district may operate and maintain a park or recreational
33 facilities on real property that it owns or in which it has an interest
34 that is not immediately necessary for its purposes.

35 ((+6+)) If such park or recreational facilities are operated by a
36 person other than the district, including a corporation, partnership,
37 or other business enterprise, the person shall indemnify and hold
38 harmless the district for any injury or damage caused by the action of
39 the person.

1 **Sec. 82.** RCW 68.52.210 and 1971 c 19 s 2 are each amended to read
2 as follows:

3 (1) A cemetery district organized under this chapter shall have
4 power to acquire, establish, maintain, manage, improve and operate
5 cemeteries and conduct any and all of the businesses of a cemetery as
6 defined in this title. A cemetery district shall constitute a cemetery
7 authority as defined in this title and shall have and exercise all
8 powers conferred thereby upon a cemetery authority and be subject to
9 the provisions thereof.

10 (2) A cemetery district may include within its boundaries the lands
11 embraced within the corporate limits of any incorporated city or town
12 (~~((up to and including third class cities in all counties))~~) with a
13 population of less than ten thousand and in any such cases the district
14 may acquire any cemetery or cemeteries theretofore maintained and
15 operated by any such city or town and proceed to maintain, manage,
16 improve and operate the same under the provisions hereof. In such
17 event the governing body of the city or town, after the transfer takes
18 place, shall levy no cemetery tax. The power of eminent domain
19 heretofore conferred shall not extend to the condemnation of existing
20 cemeteries within the district: PROVIDED, That no cemetery district
21 shall operate a cemetery within the corporate limits of any city or
22 town where there is a private cemetery operated for profit.

23 **Sec. 83.** RCW 81.48.030 and 1973 c 115 s 3 are each amended to read
24 as follows:

25 The right to fix and regulate the speed of railway trains within
26 the limits of (~~((code cities, cities of the second class, third class,~~
27 ~~towns))~~) any city or town other than a first class city, and at grade
28 crossings as defined in RCW 81.53.010 where such grade crossings are
29 outside the limits of cities and towns, is vested exclusively in the
30 commission: PROVIDED, That RCW 81.48.030 and 81.48.040 shall not apply
31 to street railways which may be operating or hereafter operated within
32 the limits of said cities and towns.

33 **Sec. 84.** RCW 81.48.040 and 1971 ex.s. c 143 s 2 are each amended
34 to read as follows:

35 After due investigation (~~((and within a reasonable time after June~~
36 ~~9, 1943))~~), the commission shall make and issue an order fixing and
37 regulating the speed of railway trains within the limits of cities (~~((of~~

1 ~~the second class, cities of the third class,))~~ and towns other than
2 first class cities. The speed limit to be fixed by the commission
3 shall be discretionary, and it may fix different rates of speed for
4 different cities and towns, which rates of speed shall be commensurate
5 with the hazard presented and the practical operation of the trains.
6 The commission shall also fix and regulate the speed of railway trains
7 at grade crossings as defined in RCW 81.53.010 where such grade
8 crossings are outside the limits of cities and towns when in the
9 judgment of the commission the public safety so requires; such speed
10 limit to be fixed shall be discretionary with the commission and may be
11 different for different grade crossings and shall be commensurate with
12 the hazard presented and the practical operation of trains. The
13 commission shall have the right from time to time, as conditions
14 change, to either increase or decrease speed limits established under
15 RCW 81.48.030 and 81.48.040.

16 **Sec. 85.** RCW 84.52.020 and 1988 c 222 s 27 are each amended to
17 read as follows:

18 It shall be the duty of the city council or other governing body of
19 (~~cities of the first class, except cities~~) every city, other than a
20 city having a population of three hundred thousand or more, (~~the city~~
21 ~~councils or other governing bodies of cities of the second or third~~
22 ~~class,)) the board of directors of school districts of the first class,
23 the superintendent of each educational service district for each
24 constituent second class school district, commissioners of port
25 districts, commissioners of metropolitan park districts, and of all
26 officials or boards of taxing districts within or coextensive with any
27 county required by law to certify to the county legislative authority,
28 for the purpose of levying district taxes, budgets or estimates of the
29 amounts to be raised by taxation on the assessed valuation of the
30 property in the city or district, through their (~~chairman~~) chair and
31 clerk, or secretary, to make and file such certified budget or
32 estimates with the clerk of the county legislative authority on or
33 before the fifteenth day of November.~~

34 **Sec. 86.** RCW 84.52.070 and 1988 c 222 s 28 are each amended to
35 read as follows:

36 It shall be the duty of the county legislative authority of each
37 county, on or before the thirtieth day of November in each year, to

1 certify to the county assessor of the county the amount of taxes levied
2 upon the property in the county for county purposes, and the respective
3 amounts of taxes levied by the board for each taxing district, within
4 or coextensive with the county, for district purposes, and it shall be
5 the duty of (~~city councils of cities of the first class~~) the council
6 of each city having a population of three hundred thousand or more, and
7 of (~~city councils of cities of the fourth class, or towns~~) the
8 council of each town, and of all officials or boards of taxing
9 districts within or coextensive with the county, authorized by law to
10 levy taxes directly and not through the county legislative authority,
11 on or before the thirtieth day of November in each year, to certify to
12 the county assessor of the county the amount of taxes levied upon the
13 property within the city, town, or district for city, town, or district
14 purposes. If a levy amount is not certified to the county assessor by
15 the thirtieth day of November, the county assessor shall use no more
16 than the certified levy amount for the previous year for the taxing
17 district: PROVIDED, That this shall not apply to the state levy or
18 when the assessor has not certified assessed values as required by RCW
19 84.48.130 at least twelve working days prior to November 30th.

20 **Sec. 87.** RCW 90.28.010 and 1984 c 7 s 385 are each amended to read
21 as follows:

22 The department of transportation may, in its sole discretion, grant
23 to any person or corporation the right, privilege, and authority to
24 perpetually back and hold the waters of any lake, river, stream,
25 slough, or other body of water, upon or over any state, county, or
26 permanent highway or road, or any street or alley within the limits of
27 any town (~~or city of the fourth class~~), or any part thereof, and
28 overflow and inundate the same whenever the director of ecology deems
29 it necessary for the purpose of erecting, constructing, maintaining, or
30 operating any water power plant, reservoir, or works for impounding
31 water for power purposes, irrigation, mining, or other public use and
32 shall so certify to the department of transportation. The decision of
33 the department of transportation, in the absence of bad faith,
34 arbitrary, capricious, or fraudulent action, is conclusive. But the
35 right shall not be granted until it has been heretofore or is hereafter
36 determined in a condemnation suit instituted by the person or
37 corporation desiring to obtain the right or rights in the county
38 wherein is situated that part of the road, highway, street, or alley so

1 to be affected that the use for which the grant is sought is a public
2 use, nor until there is filed with the clerk of the court in which the
3 order or decree of public use was entered a bond or undertaking signed
4 by the person or corporation seeking the grant, executed by a surety
5 company authorized to do business in this state, conditioned to pay all
6 costs and expenses of every kind and description connected with and
7 incident to the relocation and reconstruction of any such highway,
8 road, street, or alley, the same to be of substantially the same type
9 and grade of construction as that of the highway, road, street, or
10 alley to be overflowed or inundated, including any such relocation,
11 reconstruction, and maintenance costs and expenses as may arise within
12 a period of eighteen months after the new highway, road, street, or
13 alley has been opened in its entirety to public travel, and also
14 including any and all damages for which the state, county, city, or
15 town may be liable because of the vacation of any such highway, road,
16 street, or alley and the relocation thereof in the manner provided
17 herein and to save harmless the state, county, city, or town from the
18 payment of the same or any part thereof. The bond shall be in a penal
19 sum of double the estimated amount of the expenses, costs, and damages
20 referred to above. In the case of a state highway the estimate shall
21 be made by the department of transportation. In case of a county road
22 or permanent highway the estimate shall be made by the county
23 legislative authority, and in the case of a street or alley of a town
24 (~~or city of the fourth class~~) the estimate shall be made by the city
25 or town council. The bond shall be approved by the department of
26 transportation when the road to be affected is a state highway, and in
27 all other cases by a judge of the superior court in which the order or
28 decree of public use was entered. In the condemnation suit the state
29 of Washington shall be made a party defendant when the road affected is
30 a state highway. If the road is a county road or permanent highway the
31 county in which the road or permanent highway is situated shall be made
32 a party defendant, and when any street or alley in any town (~~or city
33 of the fourth class~~) is affected the city or town shall be made a
34 party defendant. Any person or corporation may acquire the right to
35 overflow as against the owner of the fee in any such highway, road,
36 street, or alley by making the owner of the fee or of any part thereof
37 a party defendant in the condemnation suit provided for herein or by
38 instituting a separate condemnation suit against any such owner. The
39 damages sustained by any such owner as a result of the overflow of any

1 such highway, road, street, or alley shall be determined as in other
2 condemnation cases, separate and apart from any damage sustained by the
3 state, county, city, or town.

4 **Sec. 88.** RCW 90.28.020 and 1927 c 202 s 2 are each amended to read
5 as follows:

6 It shall be the duty of the (~~state highway committee~~) department
7 of transportation, if the road to be affected shall be a state highway,
8 or of the (~~board of county commissioners~~) county legislative
9 authority of the county in which such road is located, if the road to
10 be affected shall be a county road, or permanent highway, or of the
11 (~~town~~) council of any town (~~or city of the fourth class~~) in which
12 the road is located, if the road to be affected shall be a street or
13 alley, within thirty days after entry of said order or decree of public
14 use and the filing of the bond mentioned in RCW 90.28.010, to enter an
15 appropriate order or resolution directing the relocation and
16 reestablishment and completion forthwith of such highway, road, street
17 or alley in place of that so to be overflowed or inundated, and
18 promptly thereafter to acquire all property and rights of way necessary
19 therefor, instituting and diligently prosecuting such condemnation
20 suits as may be necessary in order to secure such property and rights
21 of way. The decision of the committee, board or council as to
22 relocation and reestablishment set forth in such order or resolution
23 shall be final and conclusive as to all matters and things set forth
24 therein, including the question of public use and necessity in any and
25 all condemnation suits to be brought under RCW 90.28.010 and 90.28.020.
26 After the reestablishment and relocation of any such highway, road,
27 street or alley and the construction and opening thereof in its
28 entirety to public travel and the signing of the grant authorized in
29 RCW 90.28.010, the state highway, county road or permanent highway,
30 street or alley or such part thereof described in said grant shall be
31 deemed to be abandoned and thereafter cease to be a highway, road,
32 street or alley.

33 NEW SECTION. **Sec. 89.** The following acts or parts of acts are
34 each repealed:

- 35 (1) RCW 35.01.030 and 1965 c 7 s 35.01.030;
36 (2) RCW 35.06.020 and 1965 c 7 s 35.06.020;
37 (3) RCW 35.06.030 and 1965 c 7 s 35.06.030;

1 (4) RCW 35.06.040 and 1965 c 7 s 35.06.040;
2 (5) RCW 35.06.050 and 1965 c 7 s 35.06.050;
3 (6) RCW 35.06.060 and 1965 c 7 s 35.06.060;
4 (7) RCW 35.23.030 and 1965 c 7 s 35.23.030;
5 (8) RCW 35.23.050 and 1965 c 7 s 35.23.050;
6 (9) RCW 35.23.070 and 1965 c 7 s 35.23.070;
7 (10) RCW 35.23.090 and 1965 c 7 s 35.23.090;
8 (11) RCW 35.23.100 and 1965 c 7 s 35.23.100;
9 (12) RCW 35.23.110 and 1965 c 7 s 35.23.110;
10 (13) RCW 35.23.130 and 1965 c 7 s 35.23.130;
11 (14) RCW 35.23.132 and 1965 c 7 s 35.23.132;
12 (15) RCW 35.23.140 and 1965 c 7 s 35.23.140;
13 (16) RCW 35.23.200 and 1965 c 7 s 35.23.200;
14 (17) RCW 35.23.210 and 1965 ex.s. c 116 s 6 & 1965 c 7 s 35.23.210;
15 (18) RCW 35.23.220 and 1969 ex.s. c 270 s 7 & 1965 c 7 s 35.23.220;
16 (19) RCW 35.23.230 and 1965 c 7 s 35.23.230;
17 (20) RCW 35.23.240 and 1965 c 7 s 35.23.240;
18 (21) RCW 35.23.260 and 1965 c 7 s 35.23.260;
19 (22) RCW 35.23.300 and 1965 c 7 s 35.23.300;
20 (23) RCW 35.23.310 and 1988 c 168 s 2 & 1965 c 7 s 35.23.310;
21 (24) RCW 35.23.320 and 1965 c 7 s 35.23.320;
22 (25) RCW 35.23.370 and 1965 c 7 s 35.23.370;
23 (26) RCW 35.23.450 and 1965 c 7 s 35.23.450;
24 (27) RCW 35.23.500 and 1965 c 7 s 35.23.500;
25 (28) RCW 35.23.510 and 1965 c 7 s 35.23.510;
26 (29) RCW 35.23.540 and 1965 c 7 s 35.23.540;
27 (30) RCW 35.23.550 and 1965 c 7 s 35.23.550;
28 (31) RCW 35.23.595 and 1984 c 258 s 205;
29 (32) RCW 35.24.010 and 1965 c 7 s 35.24.010;
30 (33) RCW 35.24.030 and 1965 c 7 s 35.24.030;
31 (34) RCW 35.24.060 and 1965 c 7 s 35.24.060;
32 (35) RCW 35.24.230 and 1965 c 7 s 35.24.230;
33 (36) RCW 35.24.274 and 1965 c 7 s 35.24.274;
34 (37) RCW 35.24.275 and 1965 c 7 s 35.24.275;
35 (38) RCW 35.24.290 and 1986 c 278 s 5, 1984 c 258 s 804, 1977 ex.s.
36 c 316 s 23, 1965 ex.s. c 116 s 10, & 1965 c 7 s 35.24.290;
37 (39) RCW 35.24.340 and 1965 c 7 s 35.24.340;
38 (40) RCW 35.24.350 and 1973 1st ex.s. c 195 s 17 & 1965 c 7 s
39 35.24.350;

- 1 (41) RCW 35.24.380 and 1965 c 7 s 35.24.380;
2 (42) RCW 35.24.390 and 1965 c 7 s 35.24.390;
3 (43) RCW 35.61.320 and 1965 c 7 s 35.61.320;
4 (44) RCW 35.61.330 and 1965 c 7 s 35.61.330; and
5 (45) RCW 35.61.340 and 1965 c 7 s 35.61.340.

6 NEW SECTION. **Sec. 90.** (1) The code reviser shall recodify the
7 following sections as sections within chapter 35.23 RCW: RCW
8 35.24.020, 35.24.050, 35.24.070, 35.24.080, 35.24.090, 35.24.100,
9 35.24.110, 35.24.120, 35.24.130, 35.24.140, 35.24.142, 35.24.144,
10 35.24.146, 35.24.148, 35.24.160, 35.24.180, 35.24.190, 35.24.200,
11 35.24.210, 35.24.220, 35.24.250, 35.24.260, 35.24.300, 35.24.305,
12 35.24.306, 35.24.310, 35.24.330, 35.24.370, 35.24.400, 35.24.410,
13 35.24.420, 35.24.430, 35.24.440, and 35.24.455.

14 (2) The code reviser shall recodify the following sections within
15 chapter 35.23 RCW with codification numbers above RCW 35.23.680: RCW
16 35.23.020, 35.23.040, 35.23.080, 35.23.120, 35.23.150, 35.23.160,
17 35.23.180, 35.23.190, 35.23.250, 35.23.280, and 35.23.530.

18 (3) The code reviser shall correct all statutory references to
19 sections recodified pursuant to this section.

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