

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2244

Chapter 81, Laws of 1994

(partial veto)

53rd Legislature
1994 Regular Session

CITIES AND TOWNS--CLASSIFICATION REVISIONS

EFFECTIVE DATE: 6/9/94 - Except Section 19 which will take effect
on 7/1/94

Passed by the House February 8, 1994
Yeas 94 Nays 0

BRIAN EBERSOLE
**Speaker of the
House of Representatives**

Passed by the Senate February 28, 1994
Yeas 43 Nays 0

JOEL PRITCHARD
President of the Senate

Approved March 23, 1994, with the
exception of sections 2 and 73, which
are vetoed.

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of
the House of Representatives of the
State of Washington, do hereby certify
that the attached is **HOUSE BILL 2244**
as passed by the House of
Representatives and the Senate on the
dates hereon set forth.

MARILYN SHOWALTER
Chief Clerk

FILED

March 23, 1994 - 9:42 a.m.

**Secretary of State
State of Washington**

HOUSE BILL 2244

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Dunshee, Horn, H. Myers and Springer

Read first time 01/12/94. Referred to Committee on Local Government.

1 AN ACT Relating to classifications of cities and towns; amending
2 RCW 3.38.010, 29.07.105, 35.01.010, 35.01.020, 35.01.040, 35.02.005,
3 35.06.010, 35.06.070, 35.06.080, 35.07.010, 35.13.180, 35.13.190,
4 35.13.200, 35.13.210, 35.13.280, 35.23.170, 35.23.270, 35.23.352,
5 35.23.440, 35.23.455, 35.23.460, 35.23.470, 35.23.570, 35.23.020,
6 35.23.040, 35.23.080, 35.23.120, 35.23.150, 35.23.160, 35.23.180,
7 35.23.190, 35.23.250, 35.23.280, 35.23.530, 35.24.020, 35.24.050,
8 35.24.080, 35.24.100, 35.24.142, 35.24.160, 35.24.190, 35.24.200,
9 35.24.210, 35.24.305, 35.24.306, 35.24.330, 35.24.370, 35.24.400,
10 35.24.410, 35.24.420, 35.24.440, 35.24.455, 35.27.010, 35.27.550,
11 35.31.050, 35.34.040, 35.55.010, 35.55.130, 35.56.010, 35.61.010,
12 35.69.010, 35.70.020, 35.70.100, 35.86A.020, 35.86A.050, 35A.01.070,
13 35A.02.130, 35A.06.020, 35A.06.030, 35A.10.010, 35A.12.010, 35A.13.010,
14 35A.29.150, 36.94.050, 39.36.040, 41.44.050, 42.23.030, 54.16.180,
15 56.04.090, 57.04.100, 57.08.010, 68.52.210, 81.48.030, 81.48.040,
16 84.52.020, 84.52.070, 90.28.010, and 90.28.020; adding new sections to
17 chapter 35.23 RCW; recodifying RCW 35.24.020, 35.24.050, 35.24.070,
18 35.24.080, 35.24.090, 35.24.100, 35.24.110, 35.24.120, 35.24.130,
19 35.24.140, 35.24.142, 35.24.144, 35.24.146, 35.24.148, 35.24.160,
20 35.24.180, 35.24.190, 35.24.200, 35.24.210, 35.24.220, 35.24.250,
21 35.24.260, 35.24.300, 35.24.305, 35.24.306, 35.24.310, 35.24.330,

1 35.24.370, 35.24.400, 35.24.410, 35.24.420, 35.24.430, 35.24.440,
2 35.24.455, 35.23.020, 35.23.040, 35.23.080, 35.23.120, 35.23.150,
3 35.23.160, 35.23.180, 35.23.190, 35.23.250, 35.23.280, and 35.23.530;
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, 35.24.274,
10 35.24.275, 35.24.290, 35.24.340, 35.24.350, 35.24.380, 35.24.390,
11 35.61.320, 35.61.330, and 35.61.340; and providing an effective date.

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. 2 was vetoed, see message at end of chapter.

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

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

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

33 A second class city is ((~~one having at least ten thousand~~
34 ~~inhabitants~~)) a city with a population of more than fifteen hundred at
35 the time of its organization or reorganization that does not have a

1 charter adopted under Article XI, section 10, of the state
2 Constitution, and does not operate under Title 35A RCW.

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

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

10 **Sec. 6.** RCW 35.02.005 and 1986 c 234 s 1 are each amended to read
11 as follows:

12 The purpose of chapter 35.02 RCW is to provide a clear and uniform
13 process for the incorporation of cities or towns operating under either
14 Title 35 or 35A RCW. An incorporation may result in the creation of a
15 second class city(~~, third class city,~~) or town operating under Title
16 35 RCW(~~,~~) or a noncharter code city operating under Title 35A RCW.

17 **Sec. 7.** RCW 35.06.010 and 1965 c 7 s 35.06.010 are each amended to
18 read as follows:

19 A city or town which has(~~, as ascertained by a local census, or~~
20 ~~which has on the first day of January in any year according to an~~
21 ~~official report or abstract of the then next preceding federal or state~~
22 ~~census,~~) at least (~~twenty~~) ten thousand inhabitants may become a
23 first class city (~~(of the first class; a city or town which has, when~~
24 ~~ascertained in the same way, at least ten thousand inhabitants may~~
25 ~~become a city of the second class; a city or town which has, when~~
26 ~~ascertained in the same way,~~) by adopting a charter under Article XI,
27 section 10, of the state Constitution in chapter 35.22 RCW.

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

31 **Sec. 8.** RCW 35.06.070 and 1965 c 7 s 35.06.070 are each amended to
32 read as follows:

33 (~~It shall be the duty of said board to cause a record of such~~
34 ~~action to be made, and when the clerk of the board has made the record,~~
35 ~~he shall certify and forward to the secretary of state a transcript~~

1 ~~thereof, whereupon the corporation shall be a city of the third,~~
2 ~~second, or first class, as the case may be, to be organized and~~
3 ~~governed under the provisions of this title, and))~~ A ballot proposition
4 authorizing an advancement in classification of a town to a second
5 class city shall be submitted to the voters of the town if either: (1)
6 Petitions proposing the advancement are submitted to the town clerk
7 that have been signed by voters of the town equal in number to at least
8 ten percent of the voters of the town voting at the last municipal
9 general election; or (2) the town council adopts a resolution proposing
10 the advancement. The clerk shall immediately forward the petitions to
11 the county auditor who shall review the signatures and certify the
12 sufficiency of the petitions.

13 A ballot proposition authorizing an advancement shall be submitted
14 to the town voters at the next municipal general election occurring
15 forty-five or more days after the petitions are submitted if the county
16 auditor certifies the petitions as having sufficient valid signatures.
17 The town shall be advanced to a second class city if the ballot
18 proposition is approved by a simple majority vote, effective when the
19 corporation is actually ((organized by the election and qualification
20 of its officers, notice of its existence as such shall be taken in all
21 judicial proceedings)) reorganized and the new officers are elected and
22 qualified. The county auditor shall notify the secretary of state if
23 the advancement of a town to a second class city is approved.

24 **Sec. 9.** RCW 35.06.080 and 1965 c 106 s 1 are each amended to read
25 as follows:

26 The first election of officers of the new corporation after ((~~such~~
27 ~~proceedings~~)) the advancement of classification is approved shall be at
28 the next general municipal election ((or at a special election to be
29 called for that purpose,)) and the officers of the old corporation, as
30 altered by the election when the advancement was approved, shall remain
31 in office until the officers of the new corporation are elected and
32 qualified((÷)) and assume office in accordance with RCW 29.04.170. A
33 primary shall be held where necessary to nominate candidates for the
34 elected offices of the corporation as a second class city. Candidates
35 for city council positions shall run for specific council positions.
36 The council of the old corporation may adopt a resolution providing
37 that the offices of city attorney, clerk, and treasurer are appointive.

1 The three persons who are elected to council positions one through
2 six receiving the greatest number of votes shall be elected to four-
3 year terms of office and the other three persons who are elected to
4 council positions one through six, and the person elected to council
5 position seven, shall be elected to two-year terms of office. The
6 person elected as mayor and the persons elected to any other elected
7 office shall be elected to four-year terms of office. All successors
8 to all elected positions, other than council position number seven,
9 shall be elected to four-year terms of office and successors to council
10 position number seven shall be elected to two-year terms of office.

11 There shall be no election of town offices at this election when
12 the first officers of the new corporation are elected and the offices
13 of the town shall expire when the officers of the new corporation
14 assume office.

15 The ordinances, bylaws, and resolutions adopted by the old
16 corporation shall, as far as consistent with the provisions of this
17 title, continue in force until repealed by the council of the new
18 corporation(~~(; and)~~).

19 The council and officers of the (~~old corporation~~) town shall,
20 upon demand, deliver to the proper officers of the new corporation all
21 books of record, documents, and papers in their possession belonging to
22 the old corporation.

23 **Sec. 10.** RCW 35.07.010 and 1965 c 7 s 35.07.010 are each amended
24 to read as follows:

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

27 **Sec. 11.** RCW 35.13.180 and 1983 1st ex.s. c 68 s 1 are each
28 amended to read as follows:

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

35 **Sec. 12.** RCW 35.13.190 and 1965 c 7 s 35.13.190 are each amended
36 to read as follows:

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

8 **Sec. 13.** RCW 35.13.200 and 1965 c 7 s 35.13.200 are each amended
9 to read as follows:

10 In the ordinance annexing territory pursuant to a gift, grant, or
11 lease from the government of the United States, a second (~~or third~~)
12 class city or town may include such tide and shore lands as may be
13 necessary or convenient for the use thereof, may include in the
14 ordinance an acceptance of the terms and conditions attached to the
15 gift, grant, or lease and may provide in the ordinance for the annexed
16 territory to become a separate ward of the city or town or part or
17 parts of adjacent wards.

18 **Sec. 14.** RCW 35.13.210 and 1965 c 7 s 35.13.210 are each amended
19 to read as follows:

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

31 **Sec. 15.** RCW 35.13.280 and 1983 c 3 s 54 are each amended to read
32 as follows:

33 The annexation by any city or town of any territory pursuant to
34 those provisions of chapter 35.10 RCW which relate to the annexation of
35 a (~~third-class~~) city or town to a (~~first-class~~) city or town, or
36 pursuant to the provisions of chapter 35.13 RCW shall cancel, as of the

1 effective date of such annexation, any franchise or permit theretofore
2 granted to any person, firm or corporation by the state of Washington,
3 or by the governing body of such annexed territory, authorizing or
4 otherwise permitting the operation of any public transportation,
5 garbage collection and/or disposal or other similar public service
6 business or facility within the limits of the annexed territory, but
7 the holder of any such franchise or permit canceled pursuant to this
8 section shall be forthwith granted by the annexing city or town a
9 franchise to continue such business within the annexed territory for a
10 term of not less than five years from the date of issuance thereof, and
11 the annexing city or town, by franchise, permit or public operation,
12 shall not extend similar or competing services to the annexed territory
13 except upon a proper showing of the inability or refusal of such
14 person, firm or corporation to adequately service said annexed
15 territory at a reasonable price: PROVIDED, That the provisions of this
16 section shall not preclude the purchase by the annexing city or town of
17 said franchise, business, or facilities at an agreed or negotiated
18 price, or from acquiring the same by condemnation upon payment of
19 damages, including a reasonable amount for the loss of the franchise or
20 permit. In the event that any person, firm or corporation whose
21 franchise or permit has been canceled by the terms of this section
22 shall suffer any measurable damages as a result of any annexation
23 pursuant to the provisions of the laws above-mentioned, such person,
24 firm or corporation shall have a right of action against any city or
25 town causing such damages.

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

28 ((City)) Councils of second class cities ((of the second, third and
29 fourth class)) and towns may provide by ordinance, for a board of park
30 commissioners, not to exceed seven in number, to be appointed by the
31 mayor, with the consent of the city council, from citizens of
32 recognized fitness for such position. ((No person shall be ineligible
33 as a commissioner by reason of sex and)) No commissioner shall receive
34 any compensation. The first commissioners shall determine by lot whose
35 term of office shall expire each year, and a new commissioner shall be
36 appointed annually to serve for a term of years corresponding in number
37 to the number of commissioners in order that one term shall expire each
38 year. Such board of park commissioners shall have only such powers and

1 authority with respect to the management, supervision, and control of
2 parks and recreational facilities and programs as are granted to it by
3 the (~~legislative body of cities of the second, third, and fourth~~
4 ~~class~~) council.

5 **Sec. 17.** RCW 35.23.270 and 1965 c 7 s 35.23.270 are each amended
6 to read as follows:

7 A majority of the (~~councilmen~~) councilmembers shall constitute a
8 quorum for the transaction of business. A less number may compel the
9 attendance of absent members and may adjourn from time to time. The
10 council shall determine its rules of proceedings. The council may
11 punish their members for disorderly conduct and upon written charges
12 entered upon the journal therefor, may, after trial, expel a member by
13 two-thirds vote of all the members elected. All orders of the city
14 council shall be entered upon the journal of its proceedings, which
15 journal shall be signed by the officer who presided at the meeting.
16 The journal shall be kept by the clerk under the council's direction.

17 **Sec. 18.** RCW 35.23.352 and 1993 c 198 s 10 are each amended to
18 read as follows:

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

31 Whenever the cost of the public work or improvement, including
32 materials, supplies and equipment, will exceed these figures, the same
33 shall be done by contract. All such contracts shall be let at public
34 bidding upon publication of notice calling for sealed bids upon the
35 work. The notice shall be published in the official newspaper, or a
36 newspaper of general circulation most likely to bring responsive bids,
37 at least thirteen days prior to the last date upon which bids will be

1 received. The notice shall generally state the nature of the work to
2 be done that plans and specifications therefor shall then be on file in
3 the city or town hall for public inspections, and require that bids be
4 sealed and filed with the council or commission within the time
5 specified therein. Each bid shall be accompanied by a bid proposal
6 deposit in the form of a cashier's check, postal money order, or surety
7 bond to the council or commission for a sum of not less than five
8 percent of the amount of the bid, and no bid shall be considered unless
9 accompanied by such bid proposal deposit. The council or commission of
10 the city or town shall let the contract to the lowest responsible
11 bidder or shall have power by resolution to reject any or all bids and
12 to make further calls for bids in the same manner as the original call.

13 When the contract is let then all bid proposal deposits shall be
14 returned to the bidders except that of the successful bidder which
15 shall be retained until a contract is entered into and a bond to
16 perform the work furnished, with surety satisfactory to the council or
17 commission, in accordance with RCW 39.08.030. If the bidder fails to
18 enter into the contract in accordance with his or her bid and furnish
19 a bond within ten days from the date at which he or she is notified
20 that he or she is the successful bidder, the check or postal money
21 order and the amount thereof shall be forfeited to the council or
22 commission or the council or commission shall recover the amount of the
23 surety bond.

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

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

31 (3) In lieu of the procedures of subsection (1) of this section, a
32 second (~~or third~~) class city or a town may use a small works roster
33 process and award public works contracts with an estimated value of one
34 hundred thousand dollars or less as provided in RCW 39.04.155.

35 Whenever possible, the city or town shall invite at least one
36 proposal from a minority or woman contractor who shall otherwise
37 qualify under this section.

38 (4) (~~After September 1, 1987, each second class city, third class~~
39 ~~city, and town shall use~~) The form required by RCW 43.09.205 shall be

1 to account and record costs of public works in excess of five thousand
2 dollars that are not let by contract.

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

6 (6) Any purchase of supplies, material, equipment or services other
7 than professional services, except for public work or improvement,
8 where the cost thereof exceeds seven thousand five hundred dollars
9 shall be made upon call for bids.

10 (7) Bids shall be called annually and at a time and in the manner
11 prescribed by ordinance for the publication in a newspaper of general
12 circulation in the city or town of all notices or newspaper
13 publications required by law. The contract shall be awarded to the
14 lowest responsible bidder.

15 (8) For advertisement and formal sealed bidding to be dispensed
16 with as to purchases between seven thousand five hundred and fifteen
17 thousand dollars, the ((city legislative authority)) council or
18 commission must authorize by resolution, use of the uniform procedure
19 provided in RCW 39.04.190.

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

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

29 (11) Nothing in this section shall prohibit any second ((or third))
30 class city or any town from allowing for preferential purchase of
31 products made from recycled materials or products that may be recycled
32 or reused.

33 **Sec. 19.** RCW 35.23.440 and 1993 c 83 s 5 are each amended to read
34 as follows:

35 The city council of each second class city shall have power and
36 authority:

37 (1) Ordinances: To make and pass all ordinances, orders, and
38 resolutions not repugnant to the Constitution of the United States or

1 the state of Washington, or the provisions of this title, necessary for
2 the municipal government and management of the affairs of the city, for
3 the execution of the powers vested in said body corporate, and for the
4 carrying into effect of the provisions of this title.

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

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

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

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

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

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

34 (8) License generally: To fix and collect a license tax for the
35 purposes of revenue and regulation, upon all occupations and trades,
36 and all and every kind of business authorized by law not heretofore
37 specified: PROVIDED, That on any business, trade, or calling not
38 provided by law to be licensed for state and county purposes, the

1 amount of license shall be fixed at the discretion of the city council,
2 as they may deem the interests and good order of the city may require.

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

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

12 (11) Stock pound: To establish, maintain, and regulate a common
13 pound for estrays, and to appoint a poundkeeper, who shall be paid out
14 of the fines and fees imposed and collected of the owners of any
15 animals impounded, and from no other source; to prevent and regulate
16 the running at large of any and all domestic animals within the city
17 limits or any parts thereof, and to regulate or prevent the keeping of
18 such animals within any part of the city.

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

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

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

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

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

34 (17) City commons: To provide for and regulate the commons of the
35 city.

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

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

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

9 (21) Fire department: To establish, continue, regulate, and
10 maintain a fire department for such city, to change or reorganize the
11 same, and to disband any company or companies of the said department;
12 also, to discontinue and disband said fire department, and to create,
13 organize, establish, and maintain a paid fire department for such city.

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

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

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

21 (25) Health board: To establish a board of health; to prevent the
22 introduction and spread of disease; to establish a city infirmary and
23 to provide for the indigent sick; and to provide and enforce
24 regulations for the protection of health, cleanliness, peace, and good
25 order of the city; to establish and maintain hospitals within or
26 without the city limits; to control and regulate interments and to
27 prohibit them within the city limits.

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

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

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

6 (29) Penalty for violation of ordinances: To provide that
7 violations of ordinances with the punishment for any offense not
8 exceeding a fine of five thousand dollars or imprisonment for more than
9 one year, or both fine and imprisonment, but the punishment for any
10 criminal ordinance shall be the same as the punishment provided in
11 state law for the same crime. Alternatively, such a city may provide
12 that a violation of an ordinance constitutes a civil violation subject
13 to monetary penalties or to determine and impose fines for forfeitures
14 and penalties, but no act which is a state crime may be made a civil
15 violation. A violation of an order, regulation, or ordinance relating
16 to traffic including parking, standing, stopping, and pedestrian
17 offenses is a traffic infraction, except that violation of an order,
18 regulation, or ordinance equivalent to those provisions of Title 46 RCW
19 set forth in RCW 46.63.020 remains a misdemeanor.

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

23 ~~((Elections:—To provide for conducting elections and
24 establishing election precincts when necessary, to be as near as may be
25 in conformity with the state law.~~

26 ~~(+32))~~ Examine official accounts: To examine, either in open
27 session or by committee, the accounts or doings of all officers or
28 other persons having the care, management, or disposition of moneys,
29 property, or business of the city.

30 ~~((+33))~~ (32) Contracts: To make all appropriations, contracts, or
31 agreements for the use or benefit of the city and in the city's name.

32 ~~((+34))~~ (33) Streets and sidewalks: To provide by ordinance for
33 the opening, laying out, altering, extending, repairing, grading,
34 paving, planking, graveling, macadamizing, or otherwise improving of
35 public streets, avenues, and other public ways, or any portion of any
36 thereof; and for the construction, regulation, and repair of sidewalks
37 and other street improvements, all at the expense of the property to be
38 benefited thereby, without any recourse, in any event, upon the city
39 for any portion of the expense of such work, or any delinquency of the

1 property holders or owners, and to provide for the forced sale thereof
2 for such purposes; to establish a uniform grade for streets, avenues,
3 sidewalks, and squares, and to enforce the observance thereof.

4 ~~((+35+))~~ (34) Waterways: To clear, cleanse, alter, straighten,
5 widen, fill up, or close any waterway, drain, or sewer, or any
6 watercourse in such city when not declared by law to be navigable, and
7 to assess the expense thereof, in whole or in part, to the property
8 specially benefited.

9 ~~((+36+))~~ (35) Sewerage: To adopt, provide for, establish, and
10 maintain a general system of sewerage, draining, or both, and the
11 regulation thereof; to provide funds by local assessments on the
12 property benefited for the purpose aforesaid and to determine the
13 manner, terms, and place of connection with main or central lines of
14 pipes, sewers, or drains established, and compel compliance with and
15 conformity to such general system of sewerage or drainage, or both, and
16 the regulations of said council thereto relating, by the infliction of
17 suitable penalties and forfeitures against persons and property, or
18 either, for nonconformity to, or failure to comply with the provisions
19 of such system and regulations or either.

20 ~~((+37+))~~ (36) Buildings and parks: To provide for all public
21 buildings, public parks, or squares, necessary or proper for the use of
22 the city.

23 ~~((+38+))~~ (37) Franchises: To permit the use of the streets for
24 railroad or other public service purposes.

25 ~~((+39+))~~ (38) Payment of judgments: To order paid any final
26 judgment against such city, but none of its lands or property of any
27 kind or nature, taxes, revenue, franchise, or rights, or interest,
28 shall be attached, levied upon, or sold in or under any process
29 whatsoever.

30 ~~((+40+))~~ (39) Weighing of fuel: To regulate the sale of coal and
31 wood in such city, and may appoint a measurer of wood and weigher of
32 coal for the city, and define his duties, and may prescribe his term of
33 office, and the fees he shall receive for his services: PROVIDED, That
34 such fees shall in all cases be paid by the parties requiring such
35 service.

36 ~~((+41+))~~ (40) Hospitals, etc.: To erect and establish hospitals
37 and pesthouses and to control and regulate the same.

38 ~~((+42+))~~ (41) Waterworks: To provide for the erection, purchase,
39 or otherwise acquiring of waterworks within or without the corporate

1 limits of the city to supply such city and its inhabitants with water,
2 and to regulate and control the use and price of the water so supplied.

3 ~~((43))~~ (42) City lights: To provide for lighting the streets and
4 all public places of the city and for furnishing the inhabitants of the
5 city with gas, electric, or other light, and for the ownership,
6 purchase or acquisition, construction, or maintenance of such works as
7 may be necessary or convenient therefor: PROVIDED, That no purchase of
8 any such water plant or light plant shall be made without first
9 submitting the question of such purchase to the electors of the city.

10 ~~((44))~~ (43) Parks: To acquire by purchase or otherwise land for
11 public parks, within or without the limits of the city, and to improve
12 the same.

13 ~~((45))~~ (44) Bridges: To construct and keep in repair bridges,
14 and to regulate the use thereof.

15 ~~((46))~~ (45) Power of eminent domain: In the name of and for the
16 use and benefit of the city, to exercise the right of eminent domain,
17 and to condemn lands and property for the purposes of streets, alleys,
18 parks, public grounds, waterworks, or for any other municipal purpose
19 and to acquire by purchase or otherwise such lands and property as may
20 be deemed necessary for any of the corporate uses provided for by this
21 title, as the interests of the city may from time to time require.

22 ~~((47))~~ (46) To provide for the assessment of taxes: To provide
23 for the assessment, levying, and collecting of taxes on real and
24 personal property for the corporate uses and purposes of the city and
25 to provide for the payment of the debts and expenses of the
26 corporation.

27 ~~((48))~~ (47) Local improvements: To provide for making local
28 improvements, and to levy and collect special assessments on the
29 property benefited thereby and for paying the same or any portion
30 thereof; to determine what work shall be done or improvements made, at
31 the expense, in whole or in part, of the adjoining, contiguous, or
32 proximate property, and to provide for the manner of making and
33 collecting assessments therefor.

34 ~~((49))~~ (48) Cemeteries: To regulate the burial of the dead and
35 to establish and regulate cemeteries, within or without the corporate
36 limits, and to acquire lands therefor by purchase or otherwise.

37 ~~((50))~~ (49) Fire limits: To establish fire limits with proper
38 regulations and to make all needful regulations for the erection and
39 maintenance of buildings or other structures within the corporate

1 limits as safety of persons or property may require, and to cause all
2 such buildings and places as may from any cause be in a dangerous state
3 to be put in a safe condition; to regulate the manner in which stone,
4 brick, and other buildings, party walls, and partition fences shall be
5 constructed and maintained.

6 ((+51+)) (50) Safety and sanitary measures: To require the owners
7 of public halls, theaters, hotels, and other buildings to provide
8 suitable means of exit and proper fire escapes; to provide for the
9 cleaning and purification of watercourses and canals and for the
10 draining and filling up of ponds on private property within its limits
11 when the same shall be offensive to the senses or dangerous to the
12 health, and to charge the expense thereof to the property specially
13 benefited, and to regulate and control and provide for the prevention
14 and punishment of the defilement or pollution of all streams running in
15 or through its corporate limits and a distance of five miles beyond its
16 corporate limits, and of any stream or lake from which the water supply
17 of the city is or may be taken and for a distance of five miles beyond
18 its source of supply, and to make all quarantine and other regulations
19 as may be necessary for the preservation of the public health and to
20 remove all persons afflicted with any contagious disease to some
21 suitable place to be provided for that purpose.

22 ((+52+)) (51) To regulate liquor traffic: To regulate the selling
23 or giving away of intoxicating, spirituous, malt, vinous, mixed, or
24 fermented liquors as authorized by the general laws of the state.

25 ((+53+)) (52) To establish streets on tidelands: To project or
26 extend or establish streets over and across any tidelands within the
27 limits of such city.

28 ((+54+)) (53) To provide for the general welfare.

29 **Sec. 20.** RCW 35.23.455 and 1965 c 154 s 1 are each amended to read
30 as follows:

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

36 **Sec. 21.** RCW 35.23.460 and 1991 sp.s. c 30 s 19 are each amended
37 to read as follows:

1 Subject to chapter 48.62 RCW, any second class city (~~of the second~~
2 ~~or third class~~) or town may contract with an insurance company
3 authorized to do business in this state to provide group insurance for
4 its employees including group false arrest insurance for its law
5 enforcement personnel, and pursuant thereto may use a portion of its
6 revenues to pay an employer's portion of the premium for such
7 insurance, and may make deductions from the payrolls of employees for
8 the amount of the employees' contribution and may apply the amount
9 deducted in payment of the employees' portion of the premium.

10 **Sec. 22.** RCW 35.23.470 and 1973 1st ex.s. c 195 s 16 are each
11 amended to read as follows:

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

19 **Sec. 23.** RCW 35.23.570 and 1965 c 7 s 35.23.570 are each amended
20 to read as follows:

21 Before letting any contract for the construction of any waterworks
22 for irrigation and domestic purposes, the mayor and council shall by
23 ordinance or resolution adopt the plans therefor and shall fix and
24 establish the assessment district, if the same is to be constructed at
25 the expense of the district, and such cities and towns are authorized
26 to charge the expense of such waterworks for irrigation and domestic
27 purposes to all the property included within such district which is
28 contiguous or proximate to any streets in which any main pipe or
29 lateral pipe of such waterworks for irrigation and domestic purposes,
30 is to be placed, and to levy special (~~taxes~~) assessments upon such
31 property to pay therefor, which assessment (~~and tax~~) shall be levied
32 in accordance with the last general assessment of the property within
33 said district for city purposes.

34 **Sec. 24.** RCW 35.23.020 and 1987 c 3 s 6 are each amended to read
35 as follows:

1 In a city initially classified as a second class city prior to
2 January 1, 1993, that retained its second class city plan of government
3 when the city reorganized as a noncharter code city, the elective
4 officers ((of a city of the second class)) shall consist of a mayor,
5 twelve ((councilmen)) councilmembers, a city clerk, and a city
6 treasurer.

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

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

12 In a city initially classified as a second class city prior to
13 January 1, 1993, that retained its second class city plan of government
14 when the city reorganized as a noncharter code city, the terms of
15 office of mayor, city clerk, city treasurer and ((councilmen in such
16 cities)) councilmembers shall be four years, and until their successors
17 are elected and qualified and assume office in accordance with RCW
18 29.04.170, but not more than six ((councilmen)) councilmembers normally
19 shall be elected in any one year to fill a full term.

20 **Sec. 26.** RCW 35.23.080 and 1965 c 7 s 35.23.080 are each amended
21 to read as follows:

22 In a city initially classified as a second class city prior to
23 January 1, 1993, that retained its second class city plan of government
24 when the city reorganized as a noncharter code city, the mayor shall be
25 the chief executive officer of the city((-He)) and shall:

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

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

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

33 (4) Countersign all warrants and licenses, deeds, leases and
34 contracts requiring signature issued under and by authority of the
35 city.

36 If there is a vacancy in the office of mayor or ((he)) the mayor is
37 absent from the city, or is unable from any cause to discharge the

1 duties of ((his)) the office, the president of the council shall act as
2 mayor, exercise all ((his)) the powers and be subject to all ((his))
3 the duties of the mayor.

4 **Sec. 27.** RCW 35.23.120 and 1965 c 7 s 35.23.120 are each amended
5 to read as follows:

6 In a city initially classified as a second class city prior to
7 January 1, 1993, that retained its second class city plan of government
8 when the city reorganized as a noncharter code city, the appointive
9 officers ((of a city of the second class)) shall be a chief of police,
10 city attorney, health officer, and street commissioner; the council may
11 also create by ordinance the offices of superintendent of irrigation,
12 city engineer, harbor master, pound keeper, city jailer, chief of the
13 fire department, and any other offices necessary to discharge the
14 functions of the city and for whose election or appointment no other
15 provision is made. If a paid fire department is established therein a
16 chief engineer and one or more assistant engineers may be appointed.
17 If a free library and reading room is established therein five library
18 trustees shall be appointed. The council by ordinance shall prescribe
19 the duties of the officers and fix their compensation subject to the
20 provisions of any statutes pertaining thereto.

21 **Sec. 28.** RCW 35.23.150 and 1965 c 7 s 35.23.150 are each amended
22 to read as follows:

23 In a city initially classified as a second class city prior to
24 January 1, 1993, that retained its second class city plan of government
25 when the city reorganized as a noncharter code city, the ((city))
26 council shall create the office of city health officer, prescribe
27 ((his)) the duties and qualifications of this office and fix ((his))
28 the compensation for the office.

29 **Sec. 29.** RCW 35.23.160 and 1965 c 7 s 35.23.160 are each amended
30 to read as follows:

31 In a city initially classified as a second class city prior to
32 January 1, 1993, that retained its second class city plan of government
33 when the city reorganized as a noncharter code city, the street
34 commissioner shall be under the direction of the mayor and city council
35 shall have control of the streets and public places of the city and
36 shall perform such duties as the city council may prescribe.

1 **Sec. 30.** RCW 35.23.180 and 1965 c 7 s 35.23.180 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
6 appoint all the appointive officers of the city subject to confirmation
7 by the city council. If the council refuses to confirm any nomination
8 of the mayor, ((he)) the mayor shall nominate another person for that
9 office within ten days thereafter, and may continue to so nominate
10 until ((his)) a nominee is confirmed. If the mayor fails to make
11 another nomination for the same office within ten days after the
12 rejection of a nominee, the city council shall elect a suitable person
13 to fill the office during the term. The affirmative vote of not less
14 than seven ((councilmen)) councilmembers is necessary to confirm any
15 nomination made by the mayor.

16 **Sec. 31.** RCW 35.23.190 and 1987 c 3 s 8 are each amended to read
17 as follows:

18 Before entering upon ((his)) official duties and within ten days
19 after receiving notice of ((his election or appointment)) being elected
20 or appointed to city office, every officer of ((the)) a city initially
21 classified as a second class city prior to January 1, 1993, that
22 retained its second class city plan of government when the city
23 reorganized as a noncharter code city shall qualify by taking the oath
24 of office and by filing such bond duly approved as may be required ((of
25 him)). The oath of office shall be filed with the county auditor. If
26 no notice of election or appointment was received, the officer must
27 qualify on or before the date fixed for the assumption ((by him)) of
28 the duties of the office ((to which he was elected or appointed)). The
29 city council shall fix the amount of all official bonds and may
30 designate what officers shall be required to give bonds in addition to
31 those required to do so by statute.

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

37 All official bonds shall be approved by the city council and when
38 so approved shall be filed with the city clerk except the city clerk's

1 which shall be filed with the mayor. No city officer shall be eligible
2 as a surety upon any bond running to the city as obligee.

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

5 **Sec. 32.** RCW 35.23.250 and 1965 c 7 s 35.23.250 are each amended
6 to read as follows:

7 In a city initially classified as a second class city prior to
8 January 1, 1993, that retained its second class city plan of government
9 when the city reorganized as a noncharter code city, the mayor and
10 twelve ((councilmen)) councilmembers shall constitute the city council
11 ((and at their first meeting after taking office)). At the first
12 council meeting in each calendar year, the city council shall elect one
13 of their own body to serve as president of the council.

14 The mayor shall preside at all meetings at which ((he)) the mayor
15 is present. In the absence of the mayor, the president of the council
16 shall preside. In the absence of both the mayor and the president of
17 the council, the council may elect a president pro tempore from its own
18 body ((or any other elector of the city may be elected president pro
19 tempore)). The president pro tempore shall have all the powers of the
20 president of the council during the session of the council at which the
21 president pro tempore is presiding ((except that if he is not a member
22 of the council he shall have no vote)).

23 **Sec. 33.** RCW 35.23.280 and 1965 c 7 s 35.23.280 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 shall
28 have a vote only in the case of a tie in the votes of the
29 ((councilmen)) councilmembers. The president of the council while
30 presiding or the president pro tempore((, if a councilman,)) shall have
31 the right to vote upon all questions coming before the council.

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

1 **Sec. 34.** RCW 35.23.530 and 1965 c 7 s 35.23.530 are each amended
2 to read as follows:

3 (~~At any time not within three months previous to an annual~~
4 ~~election the city council of a second class city~~) In any city
5 initially classified as a second class city prior to January 1, 1993,
6 that retained its second class city plan of government when the city
7 reorganized as a noncharter code city, the city council may divide the
8 city into wards, not exceeding six in all, or change the boundaries of
9 existing wards at any time less than one hundred twenty days before a
10 municipal general election. No change in the boundaries of wards shall
11 affect the term of any (~~councilman, but he shall serve out his term in~~
12 ~~the ward of his residence at the time of his election~~) councilmember:
13 PROVIDED, That if this results in one ward being represented by more
14 (~~councilmen~~) councilmembers than the number to which it is entitled
15 those having the shortest unexpired terms shall be assigned by the
16 council to wards where there is a vacancy. Wards shall be redrawn as
17 provided in RCW 29.70.100.

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

20 No person shall be eligible to the office of (~~councilman~~)
21 councilmember unless (~~he~~) the councilmember resides in the ward for
22 which (~~he~~) the councilmember is elected on the date of (~~his~~) the
23 election and removal of (~~his~~) the councilmember's residence from the
24 ward for which (~~he~~) the councilmember was elected renders (~~his~~) the
25 office vacant.

26 **Sec. 35.** RCW 35.24.020 and 1993 c 47 s 1 are each amended to read
27 as follows:

28 The government of a (~~third~~) second class city shall be vested in
29 a mayor, a city council of seven members, a city attorney, a clerk, a
30 treasurer, all elective; and a chief of police, municipal judge, city
31 engineer, street superintendent, health officer and such other
32 appointive officers as may be provided for by (~~statute or~~) ordinance:
33 PROVIDED, That the council may enact an ordinance providing for the
34 appointment of the city clerk, city attorney, and treasurer by the
35 mayor, which appointment shall be subject to confirmation by a majority
36 vote of the city council. Such ordinance shall be enacted and become
37 effective not later than thirty days prior to the first day allowed for
38 filing declarations of candidacy for such offices when such offices are

1 subject to an approaching city primary election. Elective incumbent
2 city clerks, city attorneys, and city treasurers shall serve for the
3 remainder of their unexpired term notwithstanding any appointment made
4 pursuant to (~~RCW 35.24.020~~) this section and RCW 35.24.050. If a
5 free public library and reading room is established, five library
6 trustees shall be appointed. The city council by ordinance shall
7 prescribe the duties and fix the compensation of all officers and
8 employees: PROVIDED, That the provisions of any such ordinance shall
9 not be inconsistent with any statute: PROVIDED FURTHER, That where the
10 city council finds that the appointment of a full time city engineer is
11 unnecessary, it may in lieu of such appointment, by resolution provide
12 for the performance of necessary engineering services on either a part
13 time, temporary or periodic basis by a qualified engineering firm,
14 pursuant to any reasonable contract.

15 The mayor shall appoint and at his or her pleasure may remove all
16 appointive officers except as otherwise provided herein: PROVIDED,
17 That municipal judges shall be removed only upon conviction of
18 misconduct or malfeasance in office, or because of physical or mental
19 disability rendering the judge incapable of performing the duties of
20 his or her office. Every appointment or removal must be in writing
21 signed by the mayor and filed with the city clerk.

22 **Sec. 36.** RCW 35.24.050 and 1979 ex.s. c 126 s 22 are each amended
23 to read as follows:

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

28 The terms of office of the mayor, city attorney, clerk, and
29 treasurer shall be four years and until their successors are elected
30 and qualified and assume office in accordance with RCW 29.04.170:
31 PROVIDED, That if the offices of city attorney, clerk, and treasurer
32 are made appointive, the city attorney, clerk, and treasurer shall not
33 be appointed for a definite term: PROVIDED FURTHER, That the term of
34 the elected treasurer shall not commence in the same biennium in which
35 the term of the mayor commences, nor in which the terms of the city
36 attorney and clerk commence if they are elected.

37 (~~A councilman at large shall be elected biennially for a two-year~~
38 ~~term and until his or her successor is elected and qualified and~~

1 ~~assumes office in accordance with RCW 29.04.170. Of the other six~~
2 ~~councilmen, three shall be elected in each biennial general municipal~~
3 ~~election for terms of four years and until their successors are elected~~
4 ~~and qualified and assume)) Council positions shall be numbered in each~~
5 ~~second class city so that council position seven has a two-year term of~~
6 ~~office and council positions one through six shall each have four-year~~
7 ~~terms of office. Each councilmember shall remain in office until a~~
8 ~~successor is elected and qualified and assumes office in accordance~~
9 ~~with RCW 29.04.170.~~

10 In its discretion the council of a second class city may divide the
11 city by ordinance, into a convenient number of wards, not exceeding
12 six, fix the boundaries of the wards, and change the ward boundaries
13 from time to time and as provided in RCW 29.70.100. No change in the
14 boundaries of any ward shall be made within one hundred twenty days
15 next before the date of a general municipal election, nor within twenty
16 months after the wards have been established or altered. Whenever such
17 city is so divided into wards, the city council shall designate by
18 ordinance the number of councilmembers to be elected from each ward,
19 apportioning the same in proportion to the population of the wards.
20 Thereafter the councilmembers so designated shall be elected by the
21 voters resident in such ward, or by general vote of the whole city as
22 may be designated in such ordinance. Council position seven shall not
23 be associated with a ward and the person elected to that position may
24 reside anywhere in the city and voters throughout the city may vote at
25 a primary to nominate candidates for position seven, when a primary is
26 necessary, and at a general election to elect the person to council
27 position seven. When additional territory is added to the city it may
28 by act of the council, be annexed to contiguous wards without affecting
29 the right to redistrict at the expiration of twenty months after last
30 previous division. The removal of a councilmember from the ward for
31 which he or she was elected shall create a vacancy in such office.

32 **Sec. 37.** RCW 35.24.080 and 1987 c 3 s 10 are each amended to read
33 as follows:

34 In a city of the ((third)) second class, the treasurer, city
35 attorney, clerk, chief of police, and such other officers as the
36 council may require shall each, before entering upon the duties of
37 ((his)) office, take an oath of office and execute and file with the
38 clerk an official bond in such penal sum as the council shall

1 determine, conditioned for the faithful performance of his or her
2 duties and otherwise conditioned as may be provided by ordinance. The
3 oath of office shall be filed with the county auditor.

4 **Sec. 38.** RCW 35.24.100 and 1965 c 7 s 35.24.100 are each amended
5 to read as follows:

6 ~~((In cities of the third class if a member of the city council~~
7 ~~absents himself))~~ The council of a second class city may declare a
8 council position vacant if the councilmember is absent for three
9 consecutive regular meetings ((thereof, unless by)) without permission
10 of the council((, his office may be declared vacant by the council)).
11 Vacancies in all elected offices shall accrue as provided in RCW
12 42.12.010.

13 Vacancies in the city council or in the office of mayor shall be
14 filled by majority vote of the council. Vacancies in offices other
15 than that of mayor or city ~~((councilman))~~ councilmember shall be filled
16 by appointment of the mayor.

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

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

26 **Sec. 39.** RCW 35.24.142 and 1969 c 116 s 3 are each amended to read
27 as follows:

28 The city council of any city of the ~~((third))~~ second class is
29 authorized to provide by ordinance that the office of treasurer shall
30 be combined with that of clerk, or that the office of clerk shall be
31 combined with that of treasurer: PROVIDED, That such ordinance shall
32 not be voted upon until the next regular meeting after its
33 introduction.

34 **Sec. 40.** RCW 35.24.160 and 1987 c 3 s 11 are each amended to read
35 as follows:

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

5 ~~((His lawful orders shall be promptly executed by deputies, police
6 officers and watchmen.))~~ Every citizen shall lend ~~((him))~~ the police
7 chief aid, when required, for the arrest of offenders and maintenance
8 of public order. With the concurrence of the mayor, ~~((he))~~ the police
9 chief may appoint additional ~~((policemen))~~ police officers to serve for
10 one day only under ~~((his))~~ orders of the chief in the preservation of
11 public order.

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

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

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

22 **Sec. 41.** RCW 35.24.190 and 1969 c 101 s 3 are each amended to read
23 as follows:

24 The members of the city council, at their first meeting ~~((after
25 each general municipal election))~~ each calendar year and thereafter
26 whenever a vacancy occurs in the office of mayor pro tempore, shall
27 elect from among their number a mayor pro tempore, who shall hold
28 office at the pleasure of the council and in case of the absence of the
29 mayor, perform the duties of mayor except that he or she shall not have
30 the power to appoint or remove any officer or to veto any ordinance.
31 If a vacancy occurs in the office of mayor, the city council at their
32 next regular meeting shall elect from among their number a mayor, who
33 shall serve until a mayor is elected and certified at the next
34 municipal election.

35 The mayor and the mayor pro tempore shall have power to administer
36 oaths and affirmations, take affidavits and certify them. The mayor or
37 the mayor pro tempore when acting as mayor, shall sign all conveyances

1 made by the city and all instruments which require the seal of the
2 city.

3 **Sec. 42.** RCW 35.24.200 and 1965 c 107 s 1 are each amended to read
4 as follows:

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

10 All meetings of the council shall be presided over by the mayor,
11 or, in ~~((his))~~ the mayor's absence, by the mayor pro tempore. The
12 mayor shall have a vote only in the case of a tie in the votes of the
13 ~~((councilmen))~~ councilmembers. If the clerk is absent from a council
14 meeting, the mayor or mayor pro tempore shall appoint one of the
15 members of the council as clerk pro tempore. The appointment of a
16 ~~((councilman))~~ councilmember as mayor pro tempore or clerk pro tempore
17 shall not in any way abridge ~~((his))~~ the councilmember's right to vote
18 upon all questions coming before the council.

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

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

25 **Sec. 43.** RCW 35.24.210 and 1965 c 7 s 35.24.210 are each amended
26 to read as follows:

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

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

32 No ordinance or any section thereof shall be revised or amended
33 unless the new ordinance sets forth the revised ordinance or the
34 amended section at full length.

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

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

3 Every ordinance which passes the council in order to become valid
4 must be presented to the mayor; if ((he)) the mayor approves it, ((he))
5 the mayor shall sign it, but if not, ((he)) the mayor shall return it
6 with ((his)) written objections to the council and the council shall
7 cause ((his)) the mayor's objections to be entered at large upon the
8 journal and proceed to a reconsideration thereof. If upon
9 reconsideration five members of the council voting upon a call of yeas
10 and nays favor its passage, the ordinance shall become valid
11 notwithstanding the mayor's veto. If the mayor fails for ten days to
12 either approve or veto an ordinance, it shall become valid without
13 ((his)) the approval of the mayor.

14 Every ordinance shall be signed by the mayor and attested by the
15 clerk.

16 **Sec. 44.** RCW 35.24.305 and 1965 c 7 s 35.24.305 are each amended
17 to read as follows:

18 All ~~((cities of the third class, regardless of their form of
19 government, and all municipal corporations of the fourth class (towns),
20 are hereby))~~ second class cities and towns are authorized to use
21 parking meter revenue as a base for obtaining revenue bonds for use in
22 improvement of streets, roads, alleys, and such other related public
23 works.

24 **Sec. 45.** RCW 35.24.306 and 1965 c 7 s 35.24.306 are each amended
25 to read as follows:

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

29 (1) To authorize the operation of municipally-owned ambulances
30 which may serve the city and may serve for emergencies surrounding
31 rural areas;

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

34 (3) To contract with the county or with another municipality for
35 emergency use of city-owned ambulances or other first aid equipment:
36 PROVIDED, That the county or other municipality shall contribute at

1 least the cost of maintenance and operation of the equipment
2 attributable to its use thereof; and

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

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

10 **Sec. 46.** RCW 35.24.330 and 1965 c 7 s 35.24.330 are each amended
11 to read as follows:

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

17 **Sec. 47.** RCW 35.24.370 and 1973 1st ex.s. c 154 s 51 are each
18 amended to read as follows:

19 A (~~third~~) second class city may impose upon and collect from
20 every inhabitant of the city over the age of eighteen years an annual
21 street poll tax not exceeding two dollars and no other road poll tax
22 shall be collected within the limits of the city.

23 **Sec. 48.** RCW 35.24.400 and 1965 c 7 s 35.24.400 are each amended
24 to read as follows:

25 The city treasurer of any (~~third~~) second class city, by and with
26 the consent of the (~~city's~~) city council or finance committee of the
27 city council, may invest any portion of its local improvement guaranty
28 fund in the city's own guaranteed local improvement bonds in an amount
29 not to exceed ten percent of the total issue of bonds in any one local
30 improvement district: PROVIDED, That no such investment shall be made
31 in an amount which will affect the ability of the local improvement
32 guaranty fund to meet its obligations as they accrue, and that if all
33 the bonds have the same maturity, the bonds having the highest numbers
34 shall be purchased.

35 The interest received shall be credited to the local improvement
36 guaranty fund.

1 **Sec. 49.** RCW 35.24.410 and 1965 c 7 s 35.24.410 are each amended
2 to read as follows:

3 The city council of every city of the (~~third~~) second class may
4 contract for supplying the city with water, light, power, and heat for
5 municipal purposes; and within or without the city may acquire,
6 construct, repair, and manage pumps, aqueducts, reservoirs, plants, or
7 other works necessary or proper for irrigation purposes or for
8 supplying water, light, power, or heat or any byproduct thereof for the
9 use of the city and any person within the city and dispose of any
10 excess of its supply to any person without the city.

11 **Sec. 50.** RCW 35.24.420 and 1965 c 7 s 35.24.420 are each amended
12 to read as follows:

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

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

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

20 Extensions to plants may be made either

21 (1) By general bond issue,

22 (2) By general tax levies, or

23 (3) By creating local improvement districts in accordance with
24 statutes governing their establishment.

25 **Sec. 51.** RCW 35.24.440 and 1965 c 7 s 35.24.440 are each amended
26 to read as follows:

27 Proceedings attacking the validity of the consolidation of a city
28 of the (~~third~~) second class or the annexation of territory to a city
29 of the (~~third~~) second class shall be by quo warranto only, instituted
30 by the prosecuting attorney of the county in which the city is located
31 or by a person interested in the proceedings whose interest must
32 clearly be shown. The quo warranto proceedings must be commenced
33 within one year after the consolidation or annexation proceedings
34 complained of and no error, irregularity, or defect of any kind shall
35 be the basis for invalidating a consolidation or annexation after one
36 year.

1 **Sec. 52.** RCW 35.24.455 and 1984 c 258 s 206 are each amended to
2 read as follows:

3 A city of the (~~third~~) second class operating a municipal court
4 may not repeal in its entirety that portion of its municipal code
5 defining crimes or repeal a provision of its municipal code which
6 defines a crime equivalent to an offense listed in RCW 46.63.020 unless
7 the municipality has reached an agreement with the appropriate county
8 under chapter 39.34 RCW under which the county is to be paid a
9 reasonable amount for costs associated with prosecution, adjudication,
10 and sentencing in criminal cases filed in district court as a result of
11 the repeal. The agreement shall include provisions for periodic review
12 and renewal of the terms of the agreement. If the municipality and the
13 county are unable to agree on the terms for renewal of the agreement,
14 they shall be deemed to have entered into an agreement to submit the
15 issue to arbitration under chapter 7.04 RCW. Pending conclusion of the
16 arbitration proceeding, the terms of the agreement shall remain in
17 effect. The municipality and the county have the same rights and are
18 subject to the same duties as other parties who have agreed to submit
19 to arbitration under chapter 7.04 RCW.

20 **Sec. 53.** RCW 35.27.010 and 1965 c 7 s 35.27.010 are each amended
21 to read as follows:

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

29 **Sec. 54.** RCW 35.27.550 and 1965 c 7 s 35.27.550 are each amended
30 to read as follows:

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

34 **Sec. 55.** RCW 35.31.050 and 1965 c 7 s 35.31.050 are each amended
35 to read as follows:

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

10 **Sec. 56.** RCW 35.34.040 and 1985 c 175 s 7 are each amended to read
11 as follows:

12 All first(~~(7)~~) and second(~~(7 and third)~~) class cities and towns are
13 authorized to establish by ordinance a two-year fiscal biennium budget.
14 The ordinance shall be enacted at least six months prior to
15 commencement of the fiscal biennium and this chapter applies to all
16 cities and towns which utilize a fiscal biennium budget. Cities and
17 towns which establish a fiscal biennium budget are authorized to repeal
18 such ordinance and provide for reversion to a fiscal year budget. The
19 ordinance may only be repealed effective as of the conclusion of a
20 fiscal biennium. However, the city or town shall comply with chapter
21 35.32A or 35.33 RCW, whichever the case may be, in developing and
22 adopting the budget for the first fiscal year following repeal of the
23 ordinance.

24 **Sec. 57.** RCW 35.55.010 and 1965 c 7 s 35.55.010 are each amended
25 to read as follows:

26 If the city council of any city of the second (~~and third~~) class
27 deems it necessary or expedient on account of the public health,
28 sanitation, the general welfare, or other cause, to fill or raise the
29 grade of any marshlands, swamplands, tidelands, shorelands, or lands
30 commonly known as tideflats, or any other lowlands situated within the
31 limits of the city, and to clear and prepare the lands for such
32 filling, it may do so and assess the expense thereof, including the
33 cost of making compensation for property taken or damaged, and all
34 other costs and expense incidental to such improvement, to the property
35 benefited, except such amount of such expense as the city council may
36 direct to be paid out of the current or general expense fund.

1 If, in the judgment of the city council the special benefits for
2 any such improvement shall extend beyond the boundaries of the filled
3 area, the council may create an enlarged district which shall include,
4 as near as may be, all the property, whether actually filled or not,
5 which will be specially benefited by such improvement, and in such case
6 the council shall specify and describe the boundaries of such enlarged
7 district in the ordinance providing for such improvement and shall
8 specify that such portion of the total cost and expense of such
9 improvement as may not be borne by the current or general expense fund,
10 shall be distributed and assessed against all the property of such
11 enlarged district.

12 **Sec. 58.** RCW 35.55.130 and 1965 c 7 s 35.55.130 are each amended
13 to read as follows:

14 The city may guarantee the payment of the whole or any part of the
15 bonds issued against a local improvement district, but the guaranties
16 on the part of the city, other than a city operating under the council-
17 manager form or the commission form, shall be made only by ordinance
18 passed by the vote of not less than nine (~~(councilmen)~~) councilmembers
19 and the approval of the mayor in (~~(cities of the second class)~~)
20 noncharter code cities that retained the old second class city plan of
21 government with twelve council positions, and six (~~(councilmen)~~)
22 councilmembers and approval of the mayor in cities of the (~~(third)~~)
23 second class. In a city under the council-manager form of government,
24 such guaranties shall be made only in an ordinance passed by a vote of
25 three out of five or five out of seven (~~(councilmen)~~) councilmembers,
26 as the case may be, and approval of the mayor. In a city under the
27 commission form of government, such guaranties shall be made only in an
28 ordinance passed by a vote of two out of three of the commissioners.
29 The mayor's approval shall not be necessary in commission form cities.

30 **Sec. 59.** RCW 35.56.010 and 1965 c 7 s 35.56.010 are each amended
31 to read as follows:

32 If the city council or commission of any city of the first(~~(7)~~) or
33 second (~~(or third)~~) class in this state deems it necessary or expedient
34 on account of the public health, sanitation, the general welfare, or
35 other cause, to fill or raise the grade or elevation of any marshlands,
36 swamplands, tidelands or lands commonly known as tideflats, or any
37 other lands situated within the limits of such city and to clear and

1 prepare said lands for such filling it may do so by proceeding in
2 accordance with the provisions of this chapter.

3 For the purpose of filling and raising the grade or elevation of
4 such lands and to secure material therefor and to provide for the
5 proper drainage thereof after such fill has been effected, the city
6 council or commission may acquire rights of way (and where necessary or
7 desirable, may vacate, use and appropriate streets and alleys for such
8 purposes) and lay out, build, construct and maintain over and across
9 such lowlands, canals or artificial waterways of at least sufficient
10 width, depth and length to provide and afford the quantity of earth,
11 dirt and material required to complete such fill, and with the earth,
12 dirt and material removed in digging and constructing such canals and
13 waterways, fill and raise the grade or elevation of such marshlands,
14 swamplands, tidelands or tideflats; and such canals or waterways shall
15 be constructed of such width and depth (provided that all the earth,
16 dirt and other suitable material removed in constructing the same shall
17 be used to fill the lowlands as herein provided) as will make them
18 available, convenient and suitable to provide water frontage for
19 landings, wharves and other conveniences of navigation and commerce for
20 the use and benefit of the city and the public. If canals or waterways
21 are to be constructed as herein provided, such city may construct and
22 maintain the necessary bridges over and across the same; such canals or
23 waterways shall be forever under the control of such city and shall be
24 and become public thoroughfares and waterways for the use and benefit
25 of commerce, shipping, the city and the public generally.

26 The expense of making such improvement and in doing, accomplishing
27 and effecting all the work provided for in this chapter including the
28 cost of making compensation for property taken or damaged, and all
29 other cost and expense incidental to such improvement, shall be
30 assessed to the property benefited, except such amount of such expense
31 as the city council or commission, in its discretion, may direct to be
32 paid out of the current or general expense fund.

33 **Sec. 60.** RCW 35.61.010 and 1985 c 416 s 1 are each amended to read
34 as follows:

35 Cities of five thousand or more population and such contiguous
36 property the residents of which may decide in favor thereof in the
37 manner set forth in this chapter may create a metropolitan park
38 district for the management, control, improvement, maintenance, and

1 acquisition of parks, parkways, and boulevards(~~(:—PROVIDED, That no~~
2 ~~municipal corporation of the fourth class shall be included within such~~
3 ~~metropolitan park district, and any such fourth class municipal~~
4 ~~corporation heretofore included within such district is hereby~~
5 ~~automatically withdrawn))~~).

6 **Sec. 61.** RCW 35.69.010 and 1965 c 7 s 35.69.010 are each amended
7 to read as follows:

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

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

13 The term "sidewalk" includes any and all structures or forms of
14 street improvement included in the space between the street margin and
15 the roadway.

16 **Sec. 62.** RCW 35.70.020 and 1965 c 7 s 35.70.020 are each amended
17 to read as follows:

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

22 **Sec. 63.** RCW 35.70.100 and 1965 c 7 s 35.70.100 are each amended
23 to read as follows:

24 This chapter shall not be construed as repealing or amending any
25 provision relating to the improvement of streets or public places by
26 special assessments commonly known as local improvement laws, but shall
27 be considered as additional legislation and auxiliary thereto and the
28 city or town council, of any city of the (~~(third))~~ second class or town
29 before exercising the authority herein granted may by ordinance provide
30 for the application and enforcement of the provisions of this chapter
31 within the limitations herein specified.

32 **Sec. 64.** RCW 35.86A.020 and 1969 ex.s. c 204 s 2 are each amended
33 to read as follows:

34 Cities of the first(~~(, second and third))~~ and second class are
35 authorized and empowered to establish and maintain public off-street

1 parking facilities through a parking commission; the use of property
2 and property rights for such purpose is declared to be a public use;
3 and parking facilities under the control of such parking commission
4 shall be governed by the provisions of this chapter.

5 **Sec. 65.** RCW 35.86A.050 and 1969 ex.s. c 204 s 5 are each amended
6 to read as follows:

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

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

15 Three of those first appointed shall be designated to serve for
16 one, two, and three years respectively, and two shall be designated to
17 serve four years. The terms for all subsequently appointed members
18 shall be four years. In event of any vacancy, the mayor, subject to
19 confirmation of the city council, shall make appointments to fill the
20 unexpired portion of the term.

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

24 **Sec. 66.** RCW 35A.01.070 and 1979 ex.s. c 18 s 1 are each amended
25 to read as follows:

26 Where used in this title with reference to procedures established
27 by this title in regard to a change of plan or classification of
28 government, unless a different meaning is plainly required by the
29 context:

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

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

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

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

6 (5) "Plan of government" means (~~either the~~) a mayor-council form
7 of government under chapter 35A.12 RCW, council-manager form of
8 government under chapter 35A.13 RCW, or mayor-council, council-manager,
9 or commission form of government in general that is retained by a
10 noncharter code city as provided in RCW 35A.02.130, without regard to
11 variations in the number of elective offices or whether officers are
12 elective or appointive.

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

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

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

24 (9) "Reorganization" means a change in general plan of government
25 where an election of all new officers is required in order to
26 accomplish this change, but an increase or decrease in the number of
27 members of its legislative body shall not be deemed to constitute a
28 reorganization.

29 **Sec. 67.** RCW 35A.02.130 and 1967 ex.s. c 119 s 35A.02.130 are each
30 amended to read as follows:

31 Any incorporated city or town governed under a plan of government
32 authorized prior to the time this title takes effect may become a
33 noncharter code city without changing such plan of government by the
34 use of the petition-for-election or resolution-for-election procedures
35 provided in RCW 35A.02.060 and 35A.02.070 to submit to the voters a
36 proposal that such municipality adopt the classification of noncharter
37 code city while retaining its existing plan of government, and upon a
38 favorable vote on the proposal, such municipality shall be classified

1 as a noncharter code city and retain its old plan of government, such
2 reclassification to be effective upon the filing of the record of such
3 election with the office of the secretary of state. Insofar as the
4 provisions of RCW 35A.02.100 and 35A.02.110 are applicable to an
5 election on such a reclassification proposal they shall apply to such
6 election.

7 **Sec. 68.** RCW 35A.06.020 and 1967 ex.s. c 119 s 35A.06.020 are each
8 amended to read as follows:

9 The classifications of municipalities which existed prior to the
10 time this title goes into effect--first class cities, second class
11 cities, (~~third class~~) unclassified cities, and (~~fourth class~~)
12 towns--and the restrictions, limitations, duties, and obligations
13 specifically imposed by law upon such classes of cities and towns,
14 shall have no application to noncharter code cities, but every
15 noncharter code city, by adopting such classification, has elected to
16 be governed by the provisions of this title, with the powers granted
17 hereby. However, any code city that retains its old plan of government
18 is subject to the laws applicable to that old plan of government until
19 the city abandons its old plan of government and reorganizes and adopts
20 a plan of government under chapter 35A.12 or 35A.13 RCW.

21 **Sec. 69.** RCW 35A.06.030 and 1979 ex.s. c 18 s 14 are each amended
22 to read as follows:

23 By use of the resolution for election or petition for election
24 methods described in RCW 35A.06.040, any noncharter code city which has
25 operated for more than six consecutive years under one of the optional
26 plans of government authorized by this title, or for more than a
27 combined total of six consecutive years under a particular plan of
28 government both as a code city and under the same general plan under
29 Title 35 RCW immediately prior to becoming a code city, may abandon
30 such organization and may reorganize and adopt another plan of
31 government authorized for noncharter code cities, but only after having
32 been a noncharter code city for more than one year or a city after
33 operating for more than six consecutive years under a particular plan
34 of government as a noncharter code city (~~or may reclassify and adopt~~
35 ~~a plan of government authorized by the general law for municipalities~~
36 ~~of the highest class for which the population of such city qualifies~~
37 ~~it, or authorized for the class to which such city belonged immediately~~

1 ~~prior to becoming a noncharter code city, if any~~): PROVIDED, That
2 these limitations shall not apply to a city seeking to adopt a charter.

3 In reorganization under a different general plan of government as
4 a noncharter code city, officers shall all be elected as provided in
5 RCW 35A.02.050. When a noncharter code city adopts a plan of
6 government other than those authorized under Title 35A RCW, such city
7 ceases to be governed under this optional municipal code and shall be
8 classified as a city or town of the class selected in the proceeding
9 for adoption of such new plan, with the powers granted to such class
10 under the general law.

11 **Sec. 70.** RCW 35A.10.010 and 1967 ex.s. c 119 s 35A.10.010 are each
12 amended to read as follows:

13 The classifications of municipalities which existed prior to the
14 time this title goes into effect--first class cities, second class
15 cities, (~~third class~~) unclassified cities, and (~~fourth class~~)
16 towns--and the restrictions, limitations, duties and obligations
17 specifically imposed by law upon such classes of cities and towns,
18 shall have no application to charter code cities, but every charter
19 code city, by adopting such classification, has elected to be governed
20 by its charter and by the provisions of this title, with the powers
21 thereby granted.

22 **Sec. 71.** RCW 35A.12.010 and 1985 c 106 s 1 are each amended to
23 read as follows:

24 The government of any noncharter code city or charter code city
25 electing to adopt the mayor-council plan of government authorized by
26 this chapter shall be vested in an elected mayor and an elected
27 council. The council of a noncharter code city having less than
28 twenty-five hundred inhabitants shall consist of five members; when
29 there are twenty-five hundred or more inhabitants, the council shall
30 consist of seven members: PROVIDED, That if the population of a city
31 after having become a code city decreases from twenty-five hundred or
32 more to less than twenty-five hundred, it shall continue to have a
33 seven member council. If, after a city has become a mayor-council code
34 city, its population increases to twenty-five hundred or more
35 inhabitants, the number of councilmanic offices in such city may
36 increase from five to seven members upon the affirmative vote of a
37 majority of the existing council to increase the number of councilmanic

1 offices in the city. When the population of a mayor-council code city
2 having five councilmanic offices increases to five thousand or more
3 inhabitants, the number of councilmanic offices in the city shall
4 increase from five to seven members. In the event of an increase in
5 the number of councilmanic offices, the city council shall, by majority
6 vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these
7 offices until the next municipal general election, at which election
8 one person shall be elected for a two-year term and one person shall be
9 elected for a four-year term. The number of inhabitants shall be
10 determined by the most recent official state or federal census or
11 determination by the state office of financial management. A charter
12 adopted under the provisions of this title, incorporating the mayor-
13 council plan of government set forth in this chapter, may provide for
14 an uneven number of (~~councilmen~~) councilmembers not exceeding eleven.

15 A noncharter code city of less than five thousand inhabitants which
16 has elected the mayor-council plan of government and which has seven
17 councilmanic offices may establish a five-member council in accordance
18 with the following procedure. At least six months prior to a municipal
19 general election, the city council shall adopt an ordinance providing
20 for reduction in the number of councilmanic offices to five. The
21 ordinance shall specify which two councilmanic offices, the terms of
22 which expire at the next general election, are to be terminated. The
23 ordinance shall provide for the renumbering of council positions and
24 shall also provide for a two-year extension of the term of office of a
25 retained councilmanic office, if necessary, in order to comply with RCW
26 35A.12.040.

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

30 **Sec. 72.** RCW 35A.13.010 and 1987 c 3 s 16 are each amended to read
31 as follows:

32 The (~~councilmen~~) councilmembers shall be the only elective
33 officers of a code city electing to adopt the council-manager plan of
34 government authorized by this chapter, except where statutes provide
35 for an elective municipal judge. The council shall appoint an officer
36 whose title shall be "city manager" who shall be the chief executive
37 officer and head of the administrative branch of the city government.
38 The city manager shall be responsible to the council for the proper

1 administration of all affairs of the code city. The council of a
2 noncharter code city having less than twenty-five hundred inhabitants
3 shall consist of five members; when there are twenty-five hundred or
4 more inhabitants the council shall consist of seven members: PROVIDED,
5 That if the population of a city after having become a code city
6 decreases from twenty-five hundred or more to less than twenty-five
7 hundred, it shall continue to have a seven member council. If, after
8 a city has become a council-manager code city its population increases
9 to twenty-five hundred or more inhabitants, the number of councilmanic
10 offices in such city may increase from five to seven members upon the
11 affirmative vote of a majority of the existing council to increase the
12 number of councilmanic offices in the city. When the population of a
13 council-manager code city having five councilmanic offices increases to
14 five thousand or more inhabitants, the number of councilmanic offices
15 in the city shall increase from five to seven members. In the event of
16 an increase in the number of councilmanic offices, the city council
17 shall, by majority vote, pursuant to RCW 35A.13.020, appoint two
18 persons to serve in these offices until the next municipal general
19 election, at which election one person shall be elected for a two-year
20 term and one person shall be elected for a four-year term. The number
21 of inhabitants shall be determined by the most recent official state or
22 federal census or determination by the state office of financial
23 management. A charter adopted under the provisions of this title,
24 incorporating the council-manager plan of government set forth in this
25 chapter may provide for an uneven number of ((~~councilmen~~))
26 councilmembers not exceeding eleven.

27 A noncharter code city of less than five thousand inhabitants which
28 has elected the council-manager plan of government and which has seven
29 councilmanic offices may establish a five-member council in accordance
30 with the following procedure. At least six months prior to a municipal
31 general election, the city council shall adopt an ordinance providing
32 for reduction in the number of councilmanic offices to five. The
33 ordinance shall specify which two councilmanic offices, the terms of
34 which expire at the next general election, are to be terminated. The
35 ordinance shall provide for the renumbering of council positions and
36 shall also provide for a two-year extension of the term of office of a
37 retained councilmanic office, if necessary, in order to comply with RCW
38 35A.12.040.

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

4 **Sec. 73. RCW 35A.29.150 and 1970 ex.s. c 52 s 5 are each amended*
5 *to read as follows:*

6 *Except as otherwise provided in this chapter, municipal elections*
7 *in code cities having seven or more (~~(councilmen))~~ councilmembers shall*
8 *be conducted in accordance with the applicable provisions of Title 29*
9 *RCW relating to elections in first(~~(, second and third))~~ or second*
10 *class cities and the municipal elections in code cities having five*
11 *(~~(councilmen))~~ councilmembers shall be conducted in accordance with the*
12 *applicable provisions of Title 29 RCW relating to elections in (~~(fourth~~*
13 *class municipalities*~~())~~*towns(~~(+))~~).*

14 **Sec. 73 was vetoed, see message at end of chapter.*

15 **Sec. 74.** RCW 36.94.050 and 1981 c 313 s 16 are each amended to
16 read as follows:

17 Prior to the adoption of or amendment of the sewerage and/or water
18 general plan, the county legislative authority (or authorities) shall
19 submit the plan or amendment to a review committee. The review
20 committee shall consist of:

21 (1) A representative of each (~~(first and second class))~~ city with
22 a population of ten thousand or more within or adjoining the area
23 selected by the mayor thereof (if there are no (~~(first or second~~
24 ~~class))~~ such cities within the plan area, then one representative
25 chosen by the mayor of the city with the largest population within the
26 plan area);

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

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

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

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

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

7 If the legislative authority rejects the plan pursuant to RCW
8 36.94.090, the review committee shall be deemed to be dissolved;
9 otherwise the review committee shall continue in existence to review
10 amendments to the plan. Vacancies on the committee shall be filled in
11 the same manner as the original appointment to that position.

12 Instead of a review committee for each plan area, the county
13 legislative authority or authorities may create a review committee for
14 the entire county or counties, and the review committee shall continue
15 in existence until dissolved by the county legislative authority or
16 authorities.

17 **Sec. 75.** RCW 39.36.040 and 1923 c 45 s 1 are each amended to read
18 as follows:

19 All orders, authorizations, allowances, contracts, payments or
20 liabilities to pay, made or attempted to be made in violation of this
21 chapter, shall be absolutely void and shall never be the foundation of
22 a claim against a taxing district(~~:(~~PROVIDED, That the limitations
23 imposed by this chapter shall not apply to debts contracted by any
24 taxing district prior to March 1, 1917: PROVIDED, FURTHER, That the
25 limitations imposed by this chapter may be exceeded by cities of the
26 second class for the purpose of constructing, renewing or repairing any
27 bridge or bridges across any navigable waters located therein, and as
28 to such indebtedness incurred for such purpose, the limits upon
29 municipal indebtedness imposed by the state Constitution shall apply.
30 No additional indebtedness shall be incurred by any city of the second
31 class for the purpose last above mentioned without the assent of three-
32 fifths of the qualified voters of such city voting thereon at an
33 election to be held therein for that purpose under and pursuant to the
34 provisions of Sections 9538 to 9548, inclusive, of Remington's Compiled
35 Statutes of Washington. Any such additional indebtedness so incurred
36 shall not thereafter be taken into consideration in computing the
37 limitation of indebtedness of such city under the provisions of this
38 chapter)).

1 **Sec. 76.** RCW 41.44.050 and 1971 ex.s. c 271 s 13 are each amended
2 to read as follows:

3 Any city or town (~~of the first, second, third or fourth class~~)
4 may elect to participate in the retirement system established by this
5 chapter: PROVIDED, That a first class city may establish or maintain
6 any other retirement system authorized by any other law or its charter.
7 The manner of election to participate in a retirement system under this
8 chapter shall be as follows:

9 (1) The legislative body therein by ordinance making such election;

10 (2) Approval by vote of the people of an ordinance initiated by the
11 voters making such election;

12 (3) Approval by vote of the people of an ordinance making such
13 election referended to the people by the legislative body.

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

16 The referendum or initiative herein provided for shall be exercised
17 under the law relating to legislative initiative or referendum of the
18 particular city or town; and if the city or town be one for which the
19 law does not now provide such initiative or referendum, it shall be
20 exercised in the manner provided for legislative initiative and
21 referendum of cities having a commission form of government under
22 chapter (~~116, Laws of 1911~~) 35.17 RCW, the city or town council
23 performing the duties and functions under that law devolving on the
24 commission. A majority vote in the legislative body or by the
25 electorate shall be sufficient to carry or reject. Whenever any city
26 or town has elected to join the retirement system proper authorities in
27 such city shall immediately file with the board an application for
28 participation under the conditions included in this chapter on a form
29 approved by the board. In such application the city or town shall
30 agree to make the contributions required of participating cities in the
31 manner prescribed herein and shall state which employee group or groups
32 are to originally have membership in the system.

33 In the case of a state association of cities and towns, election to
34 participate shall be by majority vote of the board of directors of the
35 association.

36 **Sec. 77.** RCW 42.23.030 and 1993 c 308 s 1 are each amended to read
37 as follows:

1 No municipal officer shall be beneficially interested, directly or
2 indirectly, in any contract which may be made by, through or under the
3 supervision of such officer, in whole or in part, or which may be made
4 for the benefit of his or her office, or accept, directly or
5 indirectly, any compensation, gratuity or reward in connection with
6 such contract from any other person beneficially interested therein.
7 This section shall not apply in the following cases:

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

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

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

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

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

24 (6) The letting of any other contract (except a sale or lease as
25 seller or lessor) by a municipality, other than a county with a
26 population of one hundred twenty-five thousand or more, a city (~~of the~~
27 ~~first or second class~~) with a population of ten thousand or more, an
28 irrigation district encompassing in excess of fifty thousand acres, or
29 a first class school district: PROVIDED, That the total volume of
30 business represented by such contract or contracts in which a
31 particular officer is interested, singly or in the aggregate, as
32 measured by the dollar amount of the municipality's liability
33 thereunder, shall not exceed seven hundred fifty dollars in any
34 calendar month: PROVIDED FURTHER, That in the case of a particular
35 officer of a (~~third~~) second class city or town, or a noncharter
36 optional code city, or a member of any county fair board in a county
37 which has not established a county purchasing department pursuant to
38 RCW 36.32.240, the total volume of such contract or contracts
39 authorized in this subsection may exceed seven hundred fifty dollars in

1 any calendar month but shall not exceed nine thousand dollars in any
2 calendar year: PROVIDED FURTHER, That there shall be public disclosure
3 by having an available list of such purchases or contracts, and if the
4 supplier or contractor is an official of the municipality, he or she
5 shall not vote on the authorization;

6 (7) The leasing by a port district as lessor of port district
7 property to a municipal officer or to a contracting party in which a
8 municipal officer may be beneficially interested, if in addition to all
9 other legal requirements, a board of three disinterested appraisers,
10 who shall be appointed from members of the American institute of real
11 estate appraisers by the presiding judge of the superior court in the
12 county where the property is situated, shall find and the court finds
13 that all terms and conditions of such lease are fair to the port
14 district and are in the public interest;

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

19 (9) The letting of any contract to the spouse of an officer of a
20 second class school district in which less than two hundred full time
21 equivalent students are enrolled at the start of the school year as
22 defined in RCW 28A.150.040, when such contract is solely for employment
23 as a certificated or classified employee of the school district, or the
24 letting of any contract to the spouse of an officer of a school
25 district, when such contract is solely for employment as a substitute
26 teacher for the school district: PROVIDED, That the terms of such
27 contract shall be commensurate with the pay plan or collective
28 bargaining agreement applicable to all district employees and the board
29 of directors has found, consistent with the written policy under RCW
30 28A.330.240, that there is a shortage of substitute teachers in the
31 school district.

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

34 A district may sell and convey, lease, or otherwise dispose of all
35 or any part of its works, plants, systems, utilities and properties,
36 after proceedings and approval by the voters of the district, as
37 provided for the lease or disposition of like properties and facilities
38 owned by cities and towns: PROVIDED, That the affirmative vote of

1 three-fifths of the voters voting at an election on the question of
2 approval of a proposed sale, shall be necessary to authorize such sale:
3 PROVIDED FURTHER, That a district may sell, convey, lease or otherwise
4 dispose of all or any part of the property owned by it, located outside
5 its boundaries, to another public utility district, city, town or other
6 municipal corporation without the approval of the voters; or may sell,
7 convey, lease, or otherwise dispose of to any person or public body,
8 any part, either within or without its boundaries, which has become
9 unserviceable, inadequate, obsolete, worn out or unfit to be used in
10 the operations of the system and which is no longer necessary, material
11 to, and useful in such operations, without the approval of the voters:
12 PROVIDED FURTHER, That a public utility district located within a
13 county with a population of from one hundred twenty-five thousand to
14 less (~~(that [than])~~) than two hundred ten thousand may sell and convey
15 to a city of the first class, which owns its own water system, all or
16 any part of a water system owned by said public utility district where
17 a portion of it is located within the boundaries of such city, without
18 approval of the voters upon such terms and conditions as the district
19 shall determine: PROVIDED FURTHER, That a public utility district
20 located in a county with a population of from twelve thousand to less
21 than eighteen thousand and bordered by the Columbia river may,
22 separately or in connection with the operation of a water system, or as
23 part of a plan for acquiring or constructing and operating a water
24 system, or in connection with the creation of another or subsidiary
25 local utility district, may provide for the acquisition or
26 construction, additions or improvements to, or extensions of, and
27 operation of a sewage system within the same service area as in the
28 judgment of the district commission is necessary or advisable in order
29 to eliminate or avoid any existing or potential danger to the public
30 health by reason of the lack of sewerage facilities or by reason of the
31 inadequacy of existing facilities: AND PROVIDED FURTHER, That a public
32 utility district located within a county with a population of from one
33 hundred twenty-five thousand to less than two hundred ten thousand
34 bordering on Puget Sound may sell and convey to any city of (~~(the third~~
35 ~~class))~~) or town with a population of less than ten thousand all or any
36 part of a water system owned by said public utility district without
37 approval of the voters upon such terms and conditions as the district
38 shall determine. Public utility districts are municipal corporations
39 for the purposes of this section and the commission shall be held to be

1 the legislative body and the president and secretary shall have the
2 same powers and perform the same duties as the mayor and city clerk and
3 the resolutions of the districts shall be held to be ordinances within
4 the meaning of the statutes governing the sale, lease, or other
5 disposal of public utilities owned by cities and towns.

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

8 Any sewer district organized, or reorganized, under this title may
9 be disincorporated in the same manner (insofar as the same is
10 applicable) as is provided in (~~sections 8914 to 8931, inclusive, of~~
11 ~~Remington's Revised Statutes, also Pierce's Perpetual Code 395-1 to~~
12 ~~395-35 [RCW 35.07.010 through 35.07.220]~~) RCW 35.07.010 through
13 35.07.220, for the disincorporation of the (~~third and fourth class~~)
14 cities and towns, except that the petition for disincorporation shall
15 be signed by not less than twenty-five percent of the voters in the
16 sewer district.

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

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

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

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

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

35 (c) The right of eminent domain shall be exercised in the same
36 manner and by the same procedure as provided for cities (~~of the third~~

1 class)) and towns, insofar as consistent with the provisions of this
2 title, except that all assessment rolls to be prepared and filed by
3 eminent domain commissioners or commissioners appointed by the court
4 shall be prepared and filed by the water district, and the duties
5 devolving upon the city treasurer are hereby imposed upon the county
6 treasurer.

7 (d) A water district may construct, condemn and purchase, purchase,
8 add to, maintain, and supply waterworks to furnish the district and
9 inhabitants thereof, and any city or town therein and any other
10 persons, both within and without the district, with an ample supply of
11 water for all uses and purposes public and private with full authority
12 to regulate and control the use, content, distribution, and price
13 thereof in such a manner as is not in conflict with general law and may
14 construct, acquire, or own buildings and other necessary district
15 facilities. Where a customer connected to the district's system uses
16 the water on an intermittent or transient basis, a district may charge
17 for providing water service to such a customer, regardless of the
18 amount of water, if any, used by the customer.

19 (e) A water district contiguous to Canada may contract with a
20 Canadian corporation for the purchase of water and for the
21 construction, purchase, maintenance, and supply of waterworks to
22 furnish the district and inhabitants thereof and residents of Canada
23 with an ample supply of water under terms approved by the board of
24 commissioners. Such waterworks may include facilities which result in
25 combined water supply and electric generation, provided that the
26 electricity generated thereby is a byproduct of the water supply
27 system.

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

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

38 (h) For the purpose of constructing or laying aqueducts or pipe
39 lines, dams, or waterworks or other necessary structures in storing and

1 retaining water or for any other lawful purpose such water district may
2 occupy the beds and shores up to the high water mark of any such lake,
3 river, or other watercourse, and may acquire by purchase or
4 condemnation such property or property rights or privileges as may be
5 necessary to protect its water supply from pollution.

6 (i) For the purposes of waterworks which include facilities for the
7 generation of electricity as a byproduct, nothing in this section may
8 be construed to authorize a water district to condemn electric
9 generating, transmission, or distribution rights or facilities of
10 entities authorized by law to distribute electricity, or to acquire
11 such rights or facilities without the consent of the owner.

12 (2) A water district may purchase and take water from any municipal
13 corporation.

14 (3) A water district may fix rates and charges for water supplied
15 and may charge property owners seeking to connect to the district's
16 water supply system, as a condition to granting the right to so
17 connect, in addition to the cost of such connection, such reasonable
18 connection charge as the board of commissioners shall determine to be
19 proper in order that such property owners shall bear their equitable
20 share of the cost of such system.

21 (a) For purposes of calculating a connection charge, the board of
22 commissioners shall determine the pro rata share of the cost of
23 existing facilities and facilities planned for construction within the
24 next ten years and contained in an adopted comprehensive plan and other
25 costs borne by the district which are directly attributable to the
26 improvements required by property owners seeking to connect to the
27 system. The cost of existing facilities shall not include those
28 portions of the system which have been donated or which have been paid
29 for by grants.

30 (b) The connection charge may include interest charges applied from
31 the date of construction of the water system until the connection, or
32 for a period not to exceed ten years, whichever is shorter, at a rate
33 commensurate with the rate of interest applicable to the district at
34 the time of construction or major rehabilitation of the water system,
35 or at the time of installation of the water lines to which the property
36 owner is seeking to connect.

37 (4)(a) A district may permit payment of the cost of connection and
38 the reasonable connection charge to be paid with interest in
39 installments over a period not exceeding fifteen years. The county

1 treasurer may charge and collect a fee of three dollars for each year
2 for the treasurer's services. Such fees shall be a charge to be
3 included as part of each annual installment, and shall be credited to
4 the county current expense fund by the county treasurer.

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

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

11 ~~((6))~~ If such park or recreational facilities are operated by a
12 person other than the district, including a corporation, partnership,
13 or other business enterprise, the person shall indemnify and hold
14 harmless the district for any injury or damage caused by the action of
15 the person.

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

18 (1) A cemetery district organized under this chapter shall have
19 power to acquire, establish, maintain, manage, improve and operate
20 cemeteries and conduct any and all of the businesses of a cemetery as
21 defined in this title. A cemetery district shall constitute a cemetery
22 authority as defined in this title and shall have and exercise all
23 powers conferred thereby upon a cemetery authority and be subject to
24 the provisions thereof.

25 (2) A cemetery district may include within its boundaries the lands
26 embraced within the corporate limits of any incorporated city or town
27 ~~((up to and including third class cities in all counties))~~ with a
28 population of less than ten thousand and in any such cases the district
29 may acquire any cemetery or cemeteries theretofore maintained and
30 operated by any such city or town and proceed to maintain, manage,
31 improve and operate the same under the provisions hereof. In such
32 event the governing body of the city or town, after the transfer takes
33 place, shall levy no cemetery tax. The power of eminent domain
34 heretofore conferred shall not extend to the condemnation of existing
35 cemeteries within the district: PROVIDED, That no cemetery district
36 shall operate a cemetery within the corporate limits of any city or
37 town where there is a private cemetery operated for profit.

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

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

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

13 After due investigation (~~and within a reasonable time after June~~
14 ~~9, 1943~~), the commission shall make and issue an order fixing and
15 regulating the speed of railway trains within the limits of cities (~~of~~
16 ~~the second class, cities of the third class,~~) and towns other than
17 first class cities. The speed limit to be fixed by the commission
18 shall be discretionary, and it may fix different rates of speed for
19 different cities and towns, which rates of speed shall be commensurate
20 with the hazard presented and the practical operation of the trains.
21 The commission shall also fix and regulate the speed of railway trains
22 at grade crossings as defined in RCW 81.53.010 where such grade
23 crossings are outside the limits of cities and towns when in the
24 judgment of the commission the public safety so requires; such speed
25 limit to be fixed shall be discretionary with the commission and may be
26 different for different grade crossings and shall be commensurate with
27 the hazard presented and the practical operation of trains. The
28 commission shall have the right from time to time, as conditions
29 change, to either increase or decrease speed limits established under
30 RCW 81.48.030 and 81.48.040.

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

33 It shall be the duty of the city council or other governing body of
34 (~~cities of the first class, except cities~~) every city, other than a
35 city having a population of three hundred thousand or more, (~~the city~~
36 ~~councils or other governing bodies of cities of the second or third~~
37 ~~class,~~) the board of directors of school districts of the first class,

1 the superintendent of each educational service district for each
2 constituent second class school district, commissioners of port
3 districts, commissioners of metropolitan park districts, and of all
4 officials or boards of taxing districts within or coextensive with any
5 county required by law to certify to the county legislative authority,
6 for the purpose of levying district taxes, budgets or estimates of the
7 amounts to be raised by taxation on the assessed valuation of the
8 property in the city or district, through their (~~chairman~~) chair and
9 clerk, or secretary, to make and file such certified budget or
10 estimates with the clerk of the county legislative authority on or
11 before the fifteenth day of November.

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

14 It shall be the duty of the county legislative authority of each
15 county, on or before the thirtieth day of November in each year, to
16 certify to the county assessor of the county the amount of taxes levied
17 upon the property in the county for county purposes, and the respective
18 amounts of taxes levied by the board for each taxing district, within
19 or coextensive with the county, for district purposes, and it shall be
20 the duty of (~~city councils of cities of the first class~~) the council
21 of each city having a population of three hundred thousand or more, and
22 of (~~city councils of cities of the fourth class, or towns~~) the
23 council of each town, and of all officials or boards of taxing
24 districts within or coextensive with the county, authorized by law to
25 levy taxes directly and not through the county legislative authority,
26 on or before the thirtieth day of November in each year, to certify to
27 the county assessor of the county the amount of taxes levied upon the
28 property within the city, town, or district for city, town, or district
29 purposes. If a levy amount is not certified to the county assessor by
30 the thirtieth day of November, the county assessor shall use no more
31 than the certified levy amount for the previous year for the taxing
32 district: PROVIDED, That this shall not apply to the state levy or
33 when the assessor has not certified assessed values as required by RCW
34 84.48.130 at least twelve working days prior to November 30th.

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

1 The department of transportation may, in its sole discretion, grant
2 to any person or corporation the right, privilege, and authority to
3 perpetually back and hold the waters of any lake, river, stream,
4 slough, or other body of water, upon or over any state, county, or
5 permanent highway or road, or any street or alley within the limits of
6 any town (~~or city of the fourth class~~), or any part thereof, and
7 overflow and inundate the same whenever the director of ecology deems
8 it necessary for the purpose of erecting, constructing, maintaining, or
9 operating any water power plant, reservoir, or works for impounding
10 water for power purposes, irrigation, mining, or other public use and
11 shall so certify to the department of transportation. The decision of
12 the department of transportation, in the absence of bad faith,
13 arbitrary, capricious, or fraudulent action, is conclusive. But the
14 right shall not be granted until it has been heretofore or is hereafter
15 determined in a condemnation suit instituted by the person or
16 corporation desiring to obtain the right or rights in the county
17 wherein is situated that part of the road, highway, street, or alley so
18 to be affected that the use for which the grant is sought is a public
19 use, nor until there is filed with the clerk of the court in which the
20 order or decree of public use was entered a bond or undertaking signed
21 by the person or corporation seeking the grant, executed by a surety
22 company authorized to do business in this state, conditioned to pay all
23 costs and expenses of every kind and description connected with and
24 incident to the relocation and reconstruction of any such highway,
25 road, street, or alley, the same to be of substantially the same type
26 and grade of construction as that of the highway, road, street, or
27 alley to be overflowed or inundated, including any such relocation,
28 reconstruction, and maintenance costs and expenses as may arise within
29 a period of eighteen months after the new highway, road, street, or
30 alley has been opened in its entirety to public travel, and also
31 including any and all damages for which the state, county, city, or
32 town may be liable because of the vacation of any such highway, road,
33 street, or alley and the relocation thereof in the manner provided
34 herein and to save harmless the state, county, city, or town from the
35 payment of the same or any part thereof. The bond shall be in a penal
36 sum of double the estimated amount of the expenses, costs, and damages
37 referred to above. In the case of a state highway the estimate shall
38 be made by the department of transportation. In case of a county road
39 or permanent highway the estimate shall be made by the county

1 legislative authority, and in the case of a street or alley of a town
2 (~~or city of the fourth class~~) the estimate shall be made by the city
3 or town council. The bond shall be approved by the department of
4 transportation when the road to be affected is a state highway, and in
5 all other cases by a judge of the superior court in which the order or
6 decree of public use was entered. In the condemnation suit the state
7 of Washington shall be made a party defendant when the road affected is
8 a state highway. If the road is a county road or permanent highway the
9 county in which the road or permanent highway is situated shall be made
10 a party defendant, and when any street or alley in any town (~~or city~~
11 ~~of the fourth class~~) is affected the city or town shall be made a
12 party defendant. Any person or corporation may acquire the right to
13 overflow as against the owner of the fee in any such highway, road,
14 street, or alley by making the owner of the fee or of any part thereof
15 a party defendant in the condemnation suit provided for herein or by
16 instituting a separate condemnation suit against any such owner. The
17 damages sustained by any such owner as a result of the overflow of any
18 such highway, road, street, or alley shall be determined as in other
19 condemnation cases, separate and apart from any damage sustained by the
20 state, county, city, or town.

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

23 It shall be the duty of the (~~state highway committee~~) department
24 of transportation, if the road to be affected shall be a state highway,
25 or of the (~~board of county commissioners~~) county legislative
26 authority of the county in which such road is located, if the road to
27 be affected shall be a county road, or permanent highway, or of the
28 (~~town~~) council of any town (~~or city of the fourth class~~) in which
29 the road is located, if the road to be affected shall be a street or
30 alley, within thirty days after entry of said order or decree of public
31 use and the filing of the bond mentioned in RCW 90.28.010, to enter an
32 appropriate order or resolution directing the relocation and
33 reestablishment and completion forthwith of such highway, road, street
34 or alley in place of that so to be overflowed or inundated, and
35 promptly thereafter to acquire all property and rights of way necessary
36 therefor, instituting and diligently prosecuting such condemnation
37 suits as may be necessary in order to secure such property and rights
38 of way. The decision of the committee, board or council as to

1 relocation and reestablishment set forth in such order or resolution
2 shall be final and conclusive as to all matters and things set forth
3 therein, including the question of public use and necessity in any and
4 all condemnation suits to be brought under RCW 90.28.010 and 90.28.020.
5 After the reestablishment and relocation of any such highway, road,
6 street or alley and the construction and opening thereof in its
7 entirety to public travel and the signing of the grant authorized in
8 RCW 90.28.010, the state highway, county road or permanent highway,
9 street or alley or such part thereof described in said grant shall be
10 deemed to be abandoned and thereafter cease to be a highway, road,
11 street or alley.

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

- 14 (1) RCW 35.01.030 and 1965 c 7 s 35.01.030;
- 15 (2) RCW 35.06.020 and 1965 c 7 s 35.06.020;
- 16 (3) RCW 35.06.030 and 1965 c 7 s 35.06.030;
- 17 (4) RCW 35.06.040 and 1965 c 7 s 35.06.040;
- 18 (5) RCW 35.06.050 and 1965 c 7 s 35.06.050;
- 19 (6) RCW 35.06.060 and 1965 c 7 s 35.06.060;
- 20 (7) RCW 35.23.030 and 1965 c 7 s 35.23.030;
- 21 (8) RCW 35.23.050 and 1965 c 7 s 35.23.050;
- 22 (9) RCW 35.23.070 and 1965 c 7 s 35.23.070;
- 23 (10) RCW 35.23.090 and 1965 c 7 s 35.23.090;
- 24 (11) RCW 35.23.100 and 1965 c 7 s 35.23.100;
- 25 (12) RCW 35.23.110 and 1965 c 7 s 35.23.110;
- 26 (13) RCW 35.23.130 and 1965 c 7 s 35.23.130;
- 27 (14) RCW 35.23.132 and 1965 c 7 s 35.23.132;
- 28 (15) RCW 35.23.140 and 1965 c 7 s 35.23.140;
- 29 (16) RCW 35.23.200 and 1965 c 7 s 35.23.200;
- 30 (17) RCW 35.23.210 and 1965 ex.s. c 116 s 6 & 1965 c 7 s 35.23.210;
- 31 (18) RCW 35.23.220 and 1969 ex.s. c 270 s 7 & 1965 c 7 s 35.23.220;
- 32 (19) RCW 35.23.230 and 1965 c 7 s 35.23.230;
- 33 (20) RCW 35.23.240 and 1965 c 7 s 35.23.240;
- 34 (21) RCW 35.23.260 and 1965 c 7 s 35.23.260;
- 35 (22) RCW 35.23.300 and 1965 c 7 s 35.23.300;
- 36 (23) RCW 35.23.310 and 1988 c 168 s 2 & 1965 c 7 s 35.23.310;
- 37 (24) RCW 35.23.320 and 1965 c 7 s 35.23.320;
- 38 (25) RCW 35.23.370 and 1965 c 7 s 35.23.370;

- 1 (26) RCW 35.23.450 and 1965 c 7 s 35.23.450;
2 (27) RCW 35.23.500 and 1965 c 7 s 35.23.500;
3 (28) RCW 35.23.510 and 1965 c 7 s 35.23.510;
4 (29) RCW 35.23.540 and 1965 c 7 s 35.23.540;
5 (30) RCW 35.23.550 and 1965 c 7 s 35.23.550;
6 (31) RCW 35.23.595 and 1984 c 258 s 205;
7 (32) RCW 35.24.010 and 1965 c 7 s 35.24.010;
8 (33) RCW 35.24.030 and 1965 c 7 s 35.24.030;
9 (34) RCW 35.24.060 and 1965 c 7 s 35.24.060;
10 (35) RCW 35.24.274 and 1965 c 7 s 35.24.274;
11 (36) RCW 35.24.275 and 1965 c 7 s 35.24.275;
12 (37) RCW 35.24.290 and 1993 c 83 s 6, 1986 c 278 s 5, 1984 c 258 s
13 804, 1977 ex.s. c 316 s 23, 1965 ex.s. c 116 s 10, & 1965 c 7 s
14 35.24.290;
15 (38) RCW 35.24.340 and 1965 c 7 s 35.24.340;
16 (39) RCW 35.24.350 and 1973 1st ex.s. c 195 s 17 & 1965 c 7 s
17 35.24.350;
18 (40) RCW 35.24.380 and 1965 c 7 s 35.24.380;
19 (41) RCW 35.24.390 and 1965 c 7 s 35.24.390;
20 (42) RCW 35.61.320 and 1965 c 7 s 35.61.320;
21 (43) RCW 35.61.330 and 1965 c 7 s 35.61.330; and
22 (44) RCW 35.61.340 and 1965 c 7 s 35.61.340.

23 NEW SECTION. **Sec. 90.** (1) The code reviser shall recodify the
24 following sections as sections within chapter 35.23 RCW: RCW
25 35.24.020, 35.24.050, 35.24.070, 35.24.080, 35.24.090, 35.24.100,
26 35.24.110, 35.24.120, 35.24.130, 35.24.140, 35.24.142, 35.24.144,
27 35.24.146, 35.24.148, 35.24.160, 35.24.180, 35.24.190, 35.24.200,
28 35.24.210, 35.24.220, 35.24.250, 35.24.260, 35.24.300, 35.24.305,
29 35.24.306, 35.24.310, 35.24.330, 35.24.370, 35.24.400, 35.24.410,
30 35.24.420, 35.24.430, 35.24.440, and 35.24.455.

31 (2) The code reviser shall recodify the following sections within
32 chapter 35.23 RCW with codification numbers above RCW 35.23.680: RCW
33 35.23.020, 35.23.040, 35.23.080, 35.23.120, 35.23.150, 35.23.160,
34 35.23.180, 35.23.190, 35.23.250, 35.23.280, and 35.23.530.

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

1 NEW SECTION. **Sec. 91.** Section 19 of this act shall take effect
2 July 1, 1994.

 Passed the House February 8, 1994.

 Passed the Senate February 28, 1994.

 Approved by the Governor March 23, 1994, with the exception of
 certain items which were vetoed.

 Filed in Office of Secretary of State March 23, 1994.

 Note: Governor's explanation of partial veto is as follows:

 "I am returning herewith, without my approval as to sections 2 and
73, House Bill No. 2244 entitled:

 "AN ACT Relating to classifications of cities and towns;"

 House Bill No. 2244 simplifies the statutes regarding the
classification system for cities and towns. It also clarifies the
forms of government that a noncode city may adopt upon becoming a code
city. I am vetoing sections 2 and 73 of this bill because these
sections of statute are repealed by other legislation enacted this
session. Section 2, which amends 29.07.105 RCW, is repealed within
section 53 of Substitute Senate Bill No. 6188, a bill relating to the
National Voter Registration Act. Section 73, which amends 35A.29.150,
is repealed within section 92 of Substitute House Bill No. 2278, a bill
relating to local office vacancies. The repeal of these two sections
of statute that occurs in the other pieces of legislation is a
preferable approach for updating these outdated statutes.

 With the exception of sections 2 and 73, House Bill No. 2244 is
approved."