
HOUSE BILL 1826

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By Representatives H. Myers, Jones, R. Meyers, King, Morris, Bray, G. Fisher, Appelwick, Horn, Basich and J. Kohl

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1 AN ACT Relating to criminal justice; amending RCW 82.14.300,
2 82.14.310, 82.14.320, 82.14.330, 82.44.110, 3.46.050, 10.98.130,
3 35.22.280, 35.23.440, 35.24.290, 35.27.370, 35A.11.020, and 36.32.120;
4 reenacting and amending RCW 82.14.340; adding new sections to chapter
5 82.14 RCW; adding a new section to chapter 3.46 RCW; adding a new
6 section to chapter 3.50 RCW; and repealing RCW 82.14.301.

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

8 **Sec. 1.** RCW 82.14.300 and 1990 2nd ex.s. c 1 s 1 are each amended
9 to read as follows:

10 The legislature finds and declares that local government criminal
11 justice systems are in need of assistance. Many counties and cities
12 are unable to provide sufficient funding for additional police
13 protection, mitigation of congested court systems, and relief of
14 overcrowded jails.

15 In order to ensure public safety, it is necessary to provide fiscal
16 assistance to help local governments to respond immediately to these
17 criminal justice problems, while initiating a review of the criminal
18 justice needs of cities and counties and the resources available to
19 address those needs.

1 To provide for a more efficient and effective response to these
2 problems, the legislature encourages cities and counties to coordinate
3 strategies against crime and use multijurisdictional and innovative
4 approaches in addressing criminal justice problems.

5 ~~((The legislature intends to provide fiscal assistance to counties
6 and cities in the manner provided in this act until the report of the
7 task force created under RCW 82.14.301 is available for consideration
8 by the legislature.))~~

9 **Sec. 2.** RCW 82.14.310 and 1991 c 311 s 1 are each amended to read
10 as follows:

11 (1) The county criminal justice assistance account is created in
12 the state treasury. The account shall consist of all motor vehicle
13 excise tax receipts deposited into the account under chapter 82.44 RCW.

14 (2) The moneys deposited in the county criminal justice assistance
15 account for distribution under this section shall be distributed at
16 such times as distributions are made under RCW 82.44.150 ~~((and)).~~
17 Before distributing moneys to counties under this section, the state
18 treasurer shall deduct from these moneys a sum equal to one percent of
19 the distribution and transfer this amount to the emergency or
20 extraordinary criminal justice event account. Moneys remaining shall
21 be distributed on the relative basis of each county's funding factor as
22 determined under this subsection.

23 (a) A county's funding factor is the sum of:

24 (i) The population of the county, divided by one thousand, and
25 multiplied by two-tenths;

26 (ii) The crime rate of the county, multiplied by three-tenths; and

27 (iii) The annual number of criminal cases filed in the county
28 superior court, for each one thousand in population, multiplied by
29 five-tenths.

30 (b) Under this section and RCW 82.14.320 and 82.14.330:

31 (i) The population of the county or city shall be as last
32 determined by the office of financial management;

33 (ii) The crime rate of the county or city is the annual occurrence
34 of specified criminal offenses, as calculated in the most recent annual
35 report on crime in Washington state as published by the Washington
36 association of sheriffs and police chiefs, for each one thousand in
37 population;

1 (iii) The annual number of criminal cases filed in the county
2 superior court shall be determined by the most recent annual report of
3 the courts of Washington, as published by the office of the
4 administrator for the courts.

5 (iv) Distributions and eligibility for distributions in the 1989-91
6 biennium shall be based on 1988 figures for both the crime rate as
7 described under (ii) of this subsection and the annual number of
8 criminal cases that are filed as described under (iii) of this
9 subsection. Future distributions shall be based on the most recent
10 figures for both the crime rate as described under (ii) of this
11 subsection and the annual number of criminal cases that are filed as
12 described under (iii) of this subsection.

13 (3) Moneys distributed under this section shall be expended
14 exclusively for criminal justice purposes and shall not be used to
15 replace or supplant existing funding. Criminal justice purposes are
16 defined as activities that substantially assist the criminal justice
17 system, which may include circumstances where ancillary benefit to the
18 civil justice system occurs. Existing funding for purposes of this
19 subsection is defined as calendar year 1989 actual operating
20 expenditures for criminal justice purposes. Calendar year 1989 actual
21 operating expenditures for criminal justice purposes exclude the
22 following: Expenditures for extraordinary events not likely to
23 reoccur, changes in contract provisions for criminal justice services,
24 beyond the control of the local jurisdiction receiving the services,
25 and major nonrecurring capital expenditures.

26 (4) This section (~~(expires January 1, 1994)~~) is subject to section
27 5 of this act.

28 **Sec. 3.** RCW 82.14.320 and 1992 c 55 s 1 are each amended to read
29 as follows:

30 (1) The municipal criminal justice assistance account is created in
31 the state treasury. The account shall consist of all motor vehicle
32 excise tax receipts deposited into the account under chapter 82.44 RCW.

33 (2) No city may receive a distribution under this section from the
34 municipal criminal justice assistance account unless:

35 (a) The city has a crime rate in excess of one hundred twenty-five
36 percent of the state-wide average as calculated in the most recent
37 annual report on crime in Washington state as published by the
38 Washington association of sheriffs and police chiefs;

1 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
2 the maximum rate or the tax authorized in RCW 82.46.010(~~((+2))~~) (3) at
3 the maximum rate; and

4 (c) The city has a per capita yield from the tax imposed under RCW
5 82.14.030(1) at the maximum rate of less than one hundred fifty percent
6 of the state-wide average per capita yield for all cities from such
7 local sales and use tax.

8 (3) The moneys deposited in the municipal criminal justice
9 assistance account for distribution under this section shall be
10 distributed at such times as distributions are made under RCW
11 82.44.150. (~~((The distributions shall be made))~~) Before distributing
12 moneys to cities under this section, the state treasurer shall deduct
13 from these moneys a sum equal to one percent of the distribution and
14 transfer this amount to the emergency or extraordinary criminal justice
15 event account. Moneys remaining shall be distributed as follows:

16 (a) Unless reduced by this subsection, thirty percent of the moneys
17 shall be distributed ratably based on population as last determined by
18 the office of financial management to those cities eligible under
19 subsection (2) of this section that have a crime rate determined under
20 subsection (2)(a) of this section which is greater than one hundred
21 seventy-five percent of the state-wide average crime rate. No city may
22 receive more than fifty percent of any moneys distributed under this
23 subsection (a) but, if a city distribution is reduced as a result of
24 exceeding the fifty percent limitation, the amount not distributed
25 shall be distributed under (b) of this subsection.

26 (b) The remainder of the moneys, including any moneys not
27 distributed in subsection (2)(a) of this section, shall be distributed
28 to all cities eligible under subsection (2) of this section ratably
29 based on population as last determined by the office of financial
30 management.

31 (4) No city may receive more than thirty percent of all moneys
32 distributed under subsection (3) of this section.

33 (5) Moneys distributed under this section shall be expended
34 exclusively for criminal justice purposes and shall not be used to
35 replace or supplant existing funding. Criminal justice purposes are
36 defined as activities that substantially assist the criminal justice
37 system, which may include circumstances where ancillary benefit to the
38 civil justice system occurs. Existing funding for purposes of this
39 subsection is defined as calendar year 1989 actual operating

1 expenditures for criminal justice purposes. Calendar year 1989 actual
2 operating expenditures for criminal justice purposes exclude the
3 following: Expenditures for extraordinary events not likely to
4 reoccur, changes in contract provisions for criminal justice services,
5 beyond the control of the local jurisdiction receiving the services,
6 and major nonrecurring capital expenditures.

7 (6) This section (~~((expires January 1, 1994))~~) is subject to section
8 5 of this act.

9 **Sec. 4.** RCW 82.14.330 and 1991 c 311 s 4 are each amended to read
10 as follows:

11 (1) The moneys deposited in the municipal criminal justice
12 assistance account for distribution under this section shall be
13 distributed at such times as distributions are made under RCW
14 82.44.150. (~~((Such moneys))~~) Before distributing moneys to cities under
15 this section, the state treasurer shall deduct from these moneys a sum
16 equal to one percent of the distribution and transfer this amount to
17 the emergency or extraordinary criminal justice event account. The
18 remaining moneys shall be distributed (~~((to the cities of the state as~~
19 ~~follows:~~

20 (~~(a) For fiscal year 1991, each city with a population of under ten~~
21 ~~thousand shall receive a distribution of three thousand two hundred~~
22 ~~fifty dollars. Any remaining moneys shall be distributed to all cities~~
23 ~~ratably on the basis of population as last determined by the office of~~
24 ~~financial management.~~

25 (~~(b) For fiscal year 1992 and thereafter,~~) so that each city with
26 a population of under ten thousand shall receive a distribution of two
27 thousand seven hundred fifty dollars(~~((-~~)) and any remaining moneys
28 shall be distributed to all cities ratably on the basis of population
29 as last determined by the office of financial management.

30 (2) Moneys distributed under this section shall be expended
31 exclusively for criminal justice purposes and shall not be used to
32 replace or supplant existing funding. Criminal justice purposes are
33 defined as activities that substantially assist the criminal justice
34 system, which may include circumstances where ancillary benefit to the
35 civil justice system occurs. Existing funding for purposes of this
36 subsection is defined as calendar year 1989 actual operating
37 expenditures for criminal justice purposes. Calendar year 1989 actual
38 operating expenditures for criminal justice purposes exclude the

1 following: Expenditures for extraordinary events not likely to
2 reoccur, changes in contract provisions for criminal justice services,
3 beyond the control of the local jurisdiction receiving the services,
4 and major nonrecurring capital expenditures.

5 (3) This section (~~(expires January 1, 1994)~~) is subject to section
6 5 of this act.

7 NEW SECTION. **Sec. 5.** A new section is added to chapter 82.14 RCW
8 to read as follows:

9 Beginning on January 1, 1994, a county may not receive
10 distributions of money under RCW 82.14.310, and a city may not receive
11 distributions of money under RCW 82.14.320 or 82.14.330, for criminal
12 justice purposes unless:

13 (1) A local law and justice council has been created in the county
14 or in the county in which the city is located;

15 (2) The county or city has filed its latest annual financial report
16 to the state auditor for the preceding year within the time period that
17 the report is required to be filed under RCW 43.09.230; and

18 (3) If the county or city operates a jail, the county or city has
19 reported to the office of financial management the information required
20 under RCW 10.98.130 for the preceding year by the date this information
21 is required to have been reported.

22 NEW SECTION. **Sec. 6.** A new section is added to chapter 82.14 RCW
23 to read as follows:

24 The emergency or extraordinary criminal justice event account is
25 created in the state treasury to consist of moneys transferred to the
26 account under RCW 82.14.310, 82.14.320, and 82.14.330.

27 The state treasurer shall distribute moneys in this account to
28 qualified cities with populations of less than one thousand five
29 hundred, and to qualified counties with populations of less than
30 seventy thousand, for emergency or extraordinary criminal justice
31 events if directed by the director of the department of community
32 development.

33 For the purpose of this section, an "emergency or extraordinary
34 criminal justice event" is an event causing a county or city
35 disproportionate difficulty providing adequate law enforcement
36 protection, mitigating congested criminal cases in a court system, or
37 relieving jail overcrowding, as defined by rule of the department of

1 community development. A city is not eligible for a distribution under
2 this section unless the city has demonstrated that it has taken
3 reasonable efforts to cooperate and coordinate resources with the
4 county sheriff or with other cities, including the existence of
5 interlocal contracts or agreements relating to criminal justice
6 activities and shared law enforcement radio communication systems.

7 **Sec. 7.** RCW 82.14.340 and 1991 c 311 s 5 and 1991 c 301 s 16 are
8 each reenacted and amended to read as follows:

9 The legislative authority of any county (~~with a population of two~~
10 ~~hundred thousand or more, any county located east of the crest of the~~
11 ~~Cascade mountains with a population of one hundred fifty thousand or~~
12 ~~more, and any other county with a population of one hundred fifty~~
13 ~~thousand or more that has had its population increase by at least~~
14 ~~twenty-four percent during the preceding nine years, as certified by~~
15 ~~the office of financial management for the first day of April of each~~
16 ~~year,)) may and, if requested by resolution of the governing bodies of
17 cities in the county with an aggregate population equal to or greater
18 than fifty percent of the total population of the county, as last
19 determined by the office of financial management, shall submit an
20 authorizing proposition to the voters of the county and if approved by
21 a majority of persons voting, fix and impose a sales and use tax in
22 accordance with the terms of this chapter.~~

23 The tax authorized in this section shall be in addition to any
24 other taxes authorized by law and shall be collected from those persons
25 who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW
26 upon the occurrence of any taxable event within such county. The rate
27 of tax shall equal one-tenth of one percent of the selling price (in
28 the case of a sales tax) or value of the article used (in the case of
29 a use tax).

30 When distributing moneys collected under this section, the state
31 treasurer shall distribute ten percent of the moneys to the county in
32 which the tax was collected. The remainder of the moneys collected
33 under this section shall be distributed to the county and the cities
34 within the county ratably based on population as last determined by the
35 office of financial management. In making the distribution based on
36 population, the county shall receive that proportion that the
37 unincorporated population of the county bears to the total population

1 of the county and each city shall receive that proportion that the city
2 incorporated population bears to the total county population.

3 Moneys received from any tax imposed under this section shall be
4 expended exclusively for criminal justice purposes and shall not be
5 used to replace or supplant existing funding. Criminal justice
6 purposes are defined as activities that substantially assist the
7 criminal justice system, which may include circumstances where
8 ancillary benefit to the civil justice system occurs. Existing funding
9 for purposes of this subsection is defined as calendar year 1989 actual
10 operating expenditures for criminal justice purposes. Calendar year
11 1989 actual operating expenditures for criminal justice purposes
12 exclude the following: Expenditures for extraordinary events not
13 likely to reoccur, changes in contract provisions for criminal justice
14 services, beyond the control of the local jurisdiction receiving the
15 services, and major nonrecurring capital expenditures. Moneys received
16 by the county and the cities within the county from any tax imposed
17 under this section may be expended for domestic violence community
18 advocates, as defined in RCW 70.123.020, if, prior to July 28, 1991,
19 and prior to approval of the voters, the legislative authority of the
20 county, which submitted an authorizing proposition to the voters of the
21 county, adopted by ordinance a financial plan that included expenditure
22 of a portion of the moneys received for domestic violence community
23 advocates.

24 (~~This section expires January 1, 1994.~~)

25 **Sec. 8.** RCW 82.44.110 and 1991 c 199 s 221 are each amended to
26 read as follows:

27 The county auditor shall regularly, when remitting license fee
28 receipts, pay over and account to the director of licensing for the
29 excise taxes collected under the provisions of this chapter. The
30 director shall forthwith transmit the excise taxes to the state
31 treasurer.

32 (1) The state treasurer shall deposit the excise taxes collected
33 under RCW 82.44.020(1) as follows:

34 (a) 1.60 percent into the motor vehicle fund to defray
35 administrative and other expenses incurred by the department in the
36 collection of the excise tax.

37 (b) 8.15 percent into the Puget Sound capital construction account
38 in the motor vehicle fund.

1 (c) 4.07 percent into the Puget Sound ferry operations account in
2 the motor vehicle fund.

3 (d) 8.83 percent into the general fund to be distributed under RCW
4 82.44.155.

5 (e) 4.75 percent into the municipal sales and use tax equalization
6 account in the general fund created in RCW 82.14.210.

7 (f) 1.60 percent into the county sales and use tax equalization
8 account in the general fund created in RCW 82.14.200.

9 (g) 62.6440 percent into the general fund through June 30, 1993,
10 and 57.6440 percent into the general fund beginning July 1, 1993(~~(, and~~
11 ~~66 percent into the general fund beginning January 1, 1994))~~).

12 (h) 5 percent into the transportation fund created in RCW 82.44.180
13 beginning July 1, 1993.

14 (i) 5.9686 percent into the county criminal justice assistance
15 account created in RCW 82.14.310 (~~(through December 31, 1993))~~).

16 (j) 1.1937 percent into the municipal criminal justice assistance
17 account for distribution under RCW 82.14.320 (~~(through December 31,~~
18 ~~1993))~~).

19 (k) 1.1937 percent into the municipal criminal justice assistance
20 account for distribution under RCW 82.14.330 (~~(through December 31,~~
21 ~~1993))~~).

22 (2) The state treasurer shall deposit the excise taxes collected
23 under RCW 82.44.020(2) into the transportation fund.

24 (3) The state treasurer shall deposit the excise tax imposed by RCW
25 82.44.020(3) into the air pollution control account created by RCW
26 70.94.015.

27 NEW SECTION. **Sec. 9.** A new section is added to chapter 3.46 RCW
28 to read as follows:

29 On or after the effective date of this act, a municipal department
30 of the district court may not be established under this chapter. A
31 municipal department established under this chapter after January 1,
32 1993, but before the effective date of this act, is terminated whether
33 or not the city that created the municipal department has proceeded in
34 accordance with RCW 3.46.150.

35 NEW SECTION. **Sec. 10.** A new section is added to chapter 3.50 RCW
36 to read as follows:

1 On or after the effective date of this act, a municipal court may
2 not be established under this chapter. A municipal court established
3 under this chapter after January 1, 1993, but before the effective date
4 of this act, is terminated whether or not the city that created the
5 municipal department has proceeded in accordance with RCW 3.50.060.

6 **Sec. 11.** RCW 3.46.050 and 1975 c 33 s 2 are each amended to read
7 as follows:

8 Each city may select its (~~full-time~~) municipal judge or judges by
9 election, or by appointment in such manner as the city legislative body
10 determines: PROVIDED, That in cities having a population in excess of
11 (~~four hundred~~) thirty thousand, the municipal judges shall be
12 elected.

13 **Sec. 12.** RCW 10.98.130 and 1988 c 152 s 1 are each amended to read
14 as follows:

15 Local jails shall report to the office of financial management and
16 that office shall transmit to the department the information on all
17 persons convicted of felonies or incarcerated for noncompliance with a
18 felony sentence who are admitted or released from the jails and shall
19 promptly respond to requests of the department for such data.
20 Information transmitted shall include but not be limited to the state
21 identification number, whether the reason for admission to jail was a
22 felony conviction or noncompliance with a felony sentence, whether the
23 crime was violent or nonviolent, the prosecutor's work load, whether
24 indigent defense was involved, the extent of diversion in lieu of
25 serving time in jail, the extent to which the felon was held in custody
26 before conviction, and the dates of the admission and release.

27 The office of financial management may contract with a state or
28 local governmental agency, or combination thereof, or a private
29 organization for the information collection and transmittal under this
30 section.

31 **Sec. 13.** RCW 35.22.280 and 1990 c 189 s 3 are each amended to read
32 as follows:

33 Any city of the first class shall have power:

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

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

4 (3) To control the finances and property of the corporation, and to
5 acquire, by purchase or otherwise, such lands and other property as may
6 be necessary for any part of the corporate uses provided for by its
7 charter, and to dispose of any such property as the interests of the
8 corporation may, from time to time, require;

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

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

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

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

30 (8) To change the grade of any street, highway, or alley within its
31 corporate limits, and to provide for the payment of damages to any
32 abutting owner or owners who shall have built or made other
33 improvements upon such street, highway, or alley at any point opposite
34 to the point where such change shall be made with reference to the
35 grade of such street, highway, or alley as the same existed prior to
36 such change;

37 (9) To authorize or prohibit the locating and constructing of any
38 railroad or street railroad in any street, alley, or public place in
39 such city, and to prescribe the terms and conditions upon which any

1 such railroad or street railroad shall be located or constructed; to
2 provide for the alteration, change of grade, or removal thereof; to
3 regulate the moving and operation of railroad and street railroad
4 trains, cars, and locomotives within the corporate limits of said city;
5 and to provide by ordinance for the protection of all persons and
6 property against injury in the use of such railroads or street
7 railroads;

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

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

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

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

1 (14) To provide for erecting, purchasing, or otherwise acquiring
2 waterworks, within or without the corporate limits of said city, to
3 supply said city and its inhabitants with water, or authorize the
4 construction of same by others when deemed for the best interests of
5 such city and its inhabitants, and to regulate and control the use and
6 price of the water so supplied;

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

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

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

30 (18) To provide for establishing and maintaining reform schools for
31 juvenile offenders;

32 (19) To provide for the establishment and maintenance of public
33 libraries, and to appropriate, annually, such percent of all moneys
34 collected for fines, penalties, and licenses as shall be prescribed by
35 its charter, for the support of a city library, which shall, under such
36 regulations as shall be prescribed by ordinance, be open for use by the
37 public;

38 (20) To regulate the burial of the dead, and to establish and
39 regulate cemeteries within or without the corporate limits, and to

1 acquire land therefor by purchase or otherwise; to cause cemeteries to
2 be removed beyond the limits of the corporation, and to prohibit their
3 establishment within two miles of the boundaries thereof;

4 (21) To direct the location and construction of all buildings in
5 which any trade or occupation offensive to the senses or deleterious to
6 public health or safety shall be carried on, and to regulate the
7 management thereof; and to prohibit the erection or maintenance of such
8 buildings or structures, or the carrying on of such trade or occupation
9 within the limits of such corporation, or within the distance of two
10 miles beyond the boundaries thereof;

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

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

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

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

29 (26) To control, regulate, or prohibit the anchorage, moorage, and
30 landing of all watercrafts and their cargoes within the jurisdiction of
31 the corporation;

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

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

38 (29) To require the owners of public halls or other buildings to
39 provide suitable means of exit; to provide for the prevention and

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

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

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

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

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

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

37 (35) To provide for the punishment of all disorderly conduct, and
38 of all practices dangerous to public health or safety, and to make all
39 regulations necessary for the preservation of public morality, health,

1 peace, and good order within its limits, and to provide for the arrest,
2 trial, and punishment of all persons charged with violating any of the
3 ordinances of said city. The punishment shall not exceed a fine of
4 five thousand dollars or imprisonment in the city jail for one year, or
5 both such fine and imprisonment. The punishment for any criminal
6 ordinance shall not exceed the punishment provided in state law for the
7 same crime. Such cities alternatively may provide that violations of
8 ordinances constitute a civil violation subject to monetary penalties;

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

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

15 **Sec. 14.** RCW 35.23.440 and 1986 c 278 s 4 are each amended to read
16 as follows:

17 The city council of each second class city shall have power and
18 authority:

19 (1) Ordinances: To make and pass all ordinances, orders, and
20 resolutions not repugnant to the Constitution of the United States or
21 the state of Washington, or the provisions of this title, necessary for
22 the municipal government and management of the affairs of the city, for
23 the execution of the powers vested in said body corporate, and for the
24 carrying into effect of the provisions of this title.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (21) Fire department: To establish, continue, regulate, and
29 maintain a fire department for such city, to change or reorganize the
30 same, and to disband any company or companies of the said department;
31 also, to discontinue and disband said fire department, and to create,
32 organize, establish, and maintain a paid fire department for such city.

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

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

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

1 (25) Health board: To establish a board of health; to prevent the
2 introduction and spread of disease; to establish a city infirmary and
3 to provide for the indigent sick; and to provide and enforce
4 regulations for the protection of health, cleanliness, peace, and good
5 order of the city; to establish and maintain hospitals within or
6 without the city limits; to control and regulate interments and to
7 prohibit them within the city limits.

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

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

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

23 (29) Penalty for violation of ordinances: To provide that
24 violations of ordinances constitute a civil violation subject to
25 monetary penalties or to determine and impose fines for forfeitures and
26 penalties that shall be incurred for the breach or violation of any
27 city ordinance, notwithstanding that the act constituting a violation
28 of any such ordinance may also be punishable under the state laws, and
29 also for a violation of the provisions of this chapter, when no penalty
30 is affixed thereto or provided by law, and to appropriate all such
31 fines, penalties, and forfeitures for the benefit of the city; but no
32 penalty to be enforced shall exceed for any offense the amount of five
33 thousand dollars or imprisonment for one year, or both; and every
34 violation of any lawful order, regulation, or ordinance of the city
35 council of such city is hereby declared a misdemeanor or public
36 offense, and all prosecutions for the same may be in the name of the
37 state of Washington: PROVIDED, That violation of an order, regulation,
38 or ordinance relating to traffic including parking, standing, stopping,
39 and pedestrian offenses is a traffic infraction, except that violation

1 of an order, regulation, or ordinance equivalent to those provisions of
2 Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.
3 However, the punishment for any criminal ordinance shall not exceed the
4 punishment provided in state law for the same crime.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (54) To provide for the general welfare.

10 **Sec. 15.** RCW 35.24.290 and 1986 c 278 s 5 are each amended to read
11 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (12) To impose fines, penalties and forfeitures for any and all
14 violations of ordinances, and for any breach or violation of any
15 ordinance to fix the penalty by fine or imprisonment, or both, but no
16 such fine shall exceed five thousand dollars nor the term of such
17 imprisonment exceed the term of one year; or to provide that violations
18 of ordinances constitute a civil violation subject to monetary penalty;

19 (13) To establish fire limits, with proper regulations. However,
20 the punishment for any criminal ordinance shall not exceed the
21 punishment provided in state law for the same crime;

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

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

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

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

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

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

5 **Sec. 16.** RCW 35.27.370 and 1986 c 278 s 6 are each amended to read
6 as follows:

7 The council of said town shall have power:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (14) To impose fines, penalties and forfeitures for any and all
6 violations of ordinances, and for any breach or violation of any
7 ordinance, to fix the penalty by fine or imprisonment, or both; but no
8 such fine shall exceed five thousand dollars, nor the term of
9 imprisonment exceed one year; or to provide that violations of
10 ordinances constitute a civil violation subject to a monetary penalty.
11 However, the punishment for any criminal ordinance shall not exceed the
12 punishment provided in state law for the same crime;

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

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

22 **Sec. 17.** RCW 35A.11.020 and 1986 c 278 s 7 are each amended to
23 read as follows:

24 The legislative body of each code city shall have power to organize
25 and regulate its internal affairs within the provisions of this title
26 and its charter, if any; and to define the functions, powers, and
27 duties of its officers and employees; within the limitations imposed by
28 vested rights, to fix the compensation and working conditions of such
29 officers and employees and establish and maintain civil service, or
30 merit systems, retirement and pension systems not in conflict with the
31 provisions of this title or of existing charter provisions until
32 changed by the people: PROVIDED, That nothing in this section or in
33 this title shall permit any city, whether a code city or otherwise, to
34 enact any provisions establishing or respecting a merit system or
35 system of civil service for firemen and policemen which does not
36 substantially accomplish the same purpose as provided by general law in
37 chapter 41.08 RCW for firemen and chapter 41.12 RCW for policemen now
38 or as hereafter amended, or enact any provision establishing or

1 respecting a pension or retirement system for firemen or policemen
2 which provides different pensions or retirement benefits than are
3 provided by general law for such classes.

4 Such body may adopt and enforce ordinances of all kinds relating to
5 and regulating its local or municipal affairs and appropriate to the
6 good government of the city, and may impose penalties of fine not
7 exceeding five thousand dollars or imprisonment for any term not
8 exceeding one year, or both, for the violation of such ordinances,
9 constituting a misdemeanor or gross misdemeanor as provided therein.
10 However, the punishment for any criminal ordinance shall not exceed the
11 punishment provided in state law for the same crime. Such a body
12 alternatively may provide that violation of such ordinances constitutes
13 a civil violation subject to monetary penalty.

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

28 In addition and not in limitation, the legislative body of each
29 code city shall have any authority ever given to any class of
30 municipality or to all municipalities of this state before or after the
31 enactment of this title, such authority to be exercised in the manner
32 provided, if any, by the granting statute, when not in conflict with
33 this title.

34 Within constitutional limitations, legislative bodies of code
35 cities shall have within their territorial limits all powers of
36 taxation for local purposes except those which are expressly preempted
37 by the state as provided in RCW 66.08.120, 82.36.440, 48.14.020, and
38 48.14.080.

1 **Sec. 18.** RCW 36.32.120 and 1989 c 378 s 39 are each amended to
2 read as follows:

3 The legislative authorities of the several counties shall:

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

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

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

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

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

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

35 (7) Make and enforce, by appropriate resolutions or ordinances, all
36 such police and sanitary regulations as are not in conflict with state
37 law, and within the unincorporated area of the county may adopt by
38 reference Washington state statutes and recognized codes and/or
39 compilations printed in book form relating to the construction of

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

37 (8) Have power to compound and release in whole or in part any debt
38 due to the county when in their opinion the interest of their county

1 will not be prejudiced thereby, except in cases where they or any of
2 them are personally interested;

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

6 NEW SECTION. **Sec. 19.** RCW 82.14.301 and 1990 2nd ex.s. c 1 s 1001
7 are each repealed.

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