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HOUSE BILL 2244

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

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

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

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

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

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

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

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

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

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

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

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

31       (~~(It shall be the duty of said board to cause a record of such~~  
32 ~~action to be made, and when the clerk of the board has made the record,~~  
33 ~~he shall certify and forward to the secretary of state a transcript~~  
34 ~~thereof, whereupon the corporation shall be a city of the third,~~  
35 ~~second, or first class, as the case may be, to be organized and~~  
36 ~~governed under the provisions of this title, and)) A ballot proposition~~

1 authorizing an advancement in classification of a town to a second  
2 class city shall be submitted to the voters of the town if either: (1)  
3 Petitions proposing the advancement are submitted to the town clerk  
4 that have been signed by voters of the town equal in number to at least  
5 ten percent of the voters of the town voting at the last municipal  
6 general election; or (2) the town council adopts a resolution proposing  
7 the advancement. The clerk shall immediately forward the petitions to  
8 the county auditor who shall review the signatures and certify the  
9 sufficiency of the petitions.

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

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

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

35 The three persons who are elected to council positions one through  
36 six receiving the greatest number of votes shall be elected to four-  
37 year terms of office and the other three persons who are elected to  
38 council positions one through six, and the person elected to council

1 position seven, shall be elected to two-year terms of office. The  
2 person elected as mayor and the persons elected to any other elected  
3 office shall be elected to four-year terms of office. All successors  
4 to all elected positions, other than council position number seven,  
5 shall be elected to four-year terms of office and successors to council  
6 position number seven shall be elected to two-year terms of office.

7 There shall be no election of town offices at this election when  
8 the first officers of the new corporation are elected and the offices  
9 of the town shall expire when the officers of the new corporation  
10 assume office.

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

15 The council and officers of the (~~old corporation~~) town shall,  
16 upon demand, deliver to the proper officers of the new corporation all  
17 books of record, documents, and papers in their possession belonging to  
18 the old corporation.

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

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

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

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

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

33 Any unincorporated area contiguous to a second (~~or third~~) class  
34 city or town may be annexed thereto by an ordinance accepting a gift,  
35 grant, or lease from the government of the United States of the right  
36 to occupy, control, improve it or sublet it for commercial,

1 manufacturing, or industrial purposes: PROVIDED, That this shall not  
2 apply to any territory more than four miles from the corporate limits  
3 existing before such annexation.

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

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

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

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

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

29 The annexation by any city or town of any territory pursuant to  
30 those provisions of chapter 35.10 RCW which relate to the annexation of  
31 a (~~(third-class)~~) city or town to a (~~(first-class)~~) city or town, or  
32 pursuant to the provisions of chapter 35.13 RCW shall cancel, as of the  
33 effective date of such annexation, any franchise or permit theretofore  
34 granted to any person, firm or corporation by the state of Washington,  
35 or by the governing body of such annexed territory, authorizing or  
36 otherwise permitting the operation of any public transportation,

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

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

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



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

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

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

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

27       Whenever the cost of the public work or improvement, including  
28 materials, supplies and equipment, will exceed these figures, the same  
29 shall be done by contract. All such contracts shall be let at public  
30 bidding upon publication of notice calling for sealed bids upon the  
31 work. The notice shall be published in the official newspaper, or a  
32 newspaper of general circulation most likely to bring responsive bids,  
33 at least thirteen days prior to the last date upon which bids will be  
34 received. The notice shall generally state the nature of the work to  
35 be done that plans and specifications therefor shall then be on file in  
36 the city or town hall for public inspections, and require that bids be  
37 sealed and filed with the council or commission within the time  
38 specified therein. Each bid shall be accompanied by a bid proposal

1 deposit in the form of a cashier's check, postal money order, or surety  
2 bond to the council or commission for a sum of not less than five  
3 percent of the amount of the bid, and no bid shall be considered unless  
4 accompanied by such bid proposal deposit. The council or commission of  
5 the city or town shall let the contract to the lowest responsible  
6 bidder or shall have power by resolution to reject any or all bids and  
7 to make further calls for bids in the same manner as the original call.

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

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

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

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

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

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

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

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

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

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

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

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

24 (11) Nothing in this section shall prohibit any second ((or third))  
25 class city or any town from allowing for preferential purchase of  
26 products made from recycled materials or products that may be recycled  
27 or reused.

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

30 The city council of each second class city shall have power and  
31 authority:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (20) Property: To have, purchase, hold, use, and enjoy property of  
37 every name or kind whatsoever, and to sell, lease, transfer, mortgage,  
38 convey, control, or improve the same; to build, erect, or construct

1 houses, buildings, or structures of any kind needful for the use or  
2 purposes of such city.

3 (21) Fire department: To establish, continue, regulate, and  
4 maintain a fire department for such city, to change or reorganize the  
5 same, and to disband any company or companies of the said department;  
6 also, to discontinue and disband said fire department, and to create,  
7 organize, establish, and maintain a paid fire department for such city.

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

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

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

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

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

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

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

37 (29) Penalty for violation of ordinances: To provide that  
38 violations of ordinances with the punishment for any offense not  
39 exceeding a fine of five thousand dollars or imprisonment for more than

1 one year, or both fine and imprisonment, but the punishment for any  
2 criminal ordinance shall be the same as the punishment provided in  
3 state law for the same crime. Alternatively, such a city may provide  
4 that a violation of an ordinance constitutes a civil violation subject  
5 to monetary penalties or to determine and impose fines for forfeitures  
6 and penalties, but no act which is a state crime may be made a civil  
7 violation. A violation of an order, regulation, or ordinance relating  
8 to traffic including parking, standing, stopping, and pedestrian  
9 offenses is a traffic infraction, except that violation of an order,  
10 regulation, or ordinance equivalent to those provisions of Title 46 RCW  
11 set forth in RCW 46.63.020 remains a misdemeanor.

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

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

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

22 ~~((33))~~ (32) Contracts: To make all appropriations, contracts, or  
23 agreements for the use or benefit of the city and in the city's name.

24 ~~((34))~~ (33) Streets and sidewalks: To provide by ordinance for  
25 the opening, laying out, altering, extending, repairing, grading,  
26 paving, planking, graveling, macadamizing, or otherwise improving of  
27 public streets, avenues, and other public ways, or any portion of any  
28 thereof; and for the construction, regulation, and repair of sidewalks  
29 and other street improvements, all at the expense of the property to be  
30 benefited thereby, without any recourse, in any event, upon the city  
31 for any portion of the expense of such work, or any delinquency of the  
32 property holders or owners, and to provide for the forced sale thereof  
33 for such purposes; to establish a uniform grade for streets, avenues,  
34 sidewalks, and squares, and to enforce the observance thereof.

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

1       (~~(36)~~) (35) Sewerage: To adopt, provide for, establish, and  
2 maintain a general system of sewerage, draining, or both, and the  
3 regulation thereof; to provide funds by local assessments on the  
4 property benefited for the purpose aforesaid and to determine the  
5 manner, terms, and place of connection with main or central lines of  
6 pipes, sewers, or drains established, and compel compliance with and  
7 conformity to such general system of sewerage or drainage, or both, and  
8 the regulations of said council thereto relating, by the infliction of  
9 suitable penalties and forfeitures against persons and property, or  
10 either, for nonconformity to, or failure to comply with the provisions  
11 of such system and regulations or either.

12       (~~(37)~~) (36) Buildings and parks: To provide for all public  
13 buildings, public parks, or squares, necessary or proper for the use of  
14 the city.

15       (~~(38)~~) (37) Franchises: To permit the use of the streets for  
16 railroad or other public service purposes.

17       (~~(39)~~) (38) Payment of judgments: To order paid any final  
18 judgment against such city, but none of its lands or property of any  
19 kind or nature, taxes, revenue, franchise, or rights, or interest,  
20 shall be attached, levied upon, or sold in or under any process  
21 whatsoever.

22       (~~(40)~~) (39) Weighing of fuel: To regulate the sale of coal and  
23 wood in such city, and may appoint a measurer of wood and weigher of  
24 coal for the city, and define his duties, and may prescribe his term of  
25 office, and the fees he shall receive for his services: PROVIDED, That  
26 such fees shall in all cases be paid by the parties requiring such  
27 service.

28       (~~(41)~~) (40) Hospitals, etc.: To erect and establish hospitals  
29 and pesthouses and to control and regulate the same.

30       (~~(42)~~) (41) Waterworks: To provide for the erection, purchase,  
31 or otherwise acquiring of waterworks within or without the corporate  
32 limits of the city to supply such city and its inhabitants with water,  
33 and to regulate and control the use and price of the water so supplied.

34       (~~(43)~~) (42) City lights: To provide for lighting the streets and  
35 all public places of the city and for furnishing the inhabitants of the  
36 city with gas, electric, or other light, and for the ownership,  
37 purchase or acquisition, construction, or maintenance of such works as  
38 may be necessary or convenient therefor: PROVIDED, That no purchase of



1 any such water plant or light plant shall be made without first  
2 submitting the question of such purchase to the electors of the city.

3 ~~((44))~~ (43) Parks: To acquire by purchase or otherwise land for  
4 public parks, within or without the limits of the city, and to improve  
5 the same.

6 ~~((45))~~ (44) Bridges: To construct and keep in repair bridges,  
7 and to regulate the use thereof.

8 ~~((46))~~ (45) Power of eminent domain: In the name of and for the  
9 use and benefit of the city, to exercise the right of eminent domain,  
10 and to condemn lands and property for the purposes of streets, alleys,  
11 parks, public grounds, waterworks, or for any other municipal purpose  
12 and to acquire by purchase or otherwise such lands and property as may  
13 be deemed necessary for any of the corporate uses provided for by this  
14 title, as the interests of the city may from time to time require.

15 ~~((47))~~ (46) To provide for the assessment of taxes: To provide  
16 for the assessment, levying, and collecting of taxes on real and  
17 personal property for the corporate uses and purposes of the city and  
18 to provide for the payment of the debts and expenses of the  
19 corporation.

20 ~~((48))~~ (47) Local improvements: To provide for making local  
21 improvements, and to levy and collect special assessments on the  
22 property benefited thereby and for paying the same or any portion  
23 thereof; to determine what work shall be done or improvements made, at  
24 the expense, in whole or in part, of the adjoining, contiguous, or  
25 proximate property, and to provide for the manner of making and  
26 collecting assessments therefor.

27 ~~((49))~~ (48) Cemeteries: To regulate the burial of the dead and  
28 to establish and regulate cemeteries, within or without the corporate  
29 limits, and to acquire lands therefor by purchase or otherwise.

30 ~~((50))~~ (49) Fire limits: To establish fire limits with proper  
31 regulations and to make all needful regulations for the erection and  
32 maintenance of buildings or other structures within the corporate  
33 limits as safety of persons or property may require, and to cause all  
34 such buildings and places as may from any cause be in a dangerous state  
35 to be put in a safe condition; to regulate the manner in which stone,  
36 brick, and other buildings, party walls, and partition fences shall be  
37 constructed and maintained.

38 ~~((51))~~ (50) Safety and sanitary measures: To require the owners  
39 of public halls, theaters, hotels, and other buildings to provide

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

15 ~~((+52+))~~ (51) To regulate liquor traffic: To regulate the selling  
16 or giving away of intoxicating, spirituous, malt, vinous, mixed, or  
17 fermented liquors as authorized by the general laws of the state.

18 ~~((+53+))~~ (52) To establish streets on tidelands: To project or  
19 extend or establish streets over and across any tidelands within the  
20 limits of such city.

21 ~~((+54+))~~ (53) To provide for the general welfare.

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

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

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

31 Subject to chapter 48.62 RCW, any second class city (~~(of the second~~  
32 ~~or third class)) or town may contract with an insurance company  
33 authorized to do business in this state to provide group insurance for  
34 its employees including group false arrest insurance for its law  
35 enforcement personnel, and pursuant thereto may use a portion of its  
36 revenues to pay an employer's portion of the premium for such  
37 insurance, and may make deductions from the payrolls of employees for~~

1 the amount of the employees' contribution and may apply the amount  
2 deducted in payment of the employees' portion of the premium.

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

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

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

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

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

29 In a city initially classified as a second class city prior to  
30 January 1, 1993, that retained its second class city plan of government  
31 when the city reorganized as a noncharter code city, the elective  
32 officers (~~((of a city of the second class))~~) shall consist of a mayor,  
33 twelve (~~((councilmen))~~) councilmembers, a city clerk, and a city  
34 treasurer.

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

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

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 terms of  
9 office of mayor, city clerk, city treasurer and ((councilmen in such  
10 cities)) councilmembers shall be four years, and until their successors  
11 are elected and qualified and assume office in accordance with RCW  
12 29.04.170, but not more than six ((councilmen)) councilmembers normally  
13 shall be elected in any one year to fill a full term.

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

16       In a city initially classified as a second class city prior to  
17 January 1, 1993, that retained its second class city plan of government  
18 when the city reorganized as a noncharter code city, the mayor shall be  
19 the chief executive officer of the city((—He)) and shall:

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

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

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

27       (4) Countersign all warrants and licenses, deeds, leases and  
28 contracts requiring signature issued under and by authority of the  
29 city.

30       If there is a vacancy in the office of mayor or ((he)) the mayor is  
31 absent from the city, or is unable from any cause to discharge the  
32 duties of ((his)) the office, the president of the council shall act as  
33 mayor, exercise all ((his)) the powers and be subject to all ((his))  
34 the duties of the mayor.

35       **Sec. 27.** RCW 35.23.120 and 1965 c 7 s 35.23.120 are each amended  
36 to read 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 appointive  
4 officers ((of a city of the second class)) shall be a chief of police,  
5 city attorney, health officer, and street commissioner; the council may  
6 also create by ordinance the offices of superintendent of irrigation,  
7 city engineer, harbor master, pound keeper, city jailer, chief of the  
8 fire department, and any other offices necessary to discharge the  
9 functions of the city and for whose election or appointment no other  
10 provision is made. If a paid fire department is established therein a  
11 chief engineer and one or more assistant engineers may be appointed.  
12 If a free library and reading room is established therein five library  
13 trustees shall be appointed. The council by ordinance shall prescribe  
14 the duties of the officers and fix their compensation subject to the  
15 provisions of any statutes pertaining thereto.

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

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

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

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

32        **Sec. 30.** RCW 35.23.180 and 1965 c 7 s 35.23.180 are each amended  
33 to read as follows:

34        In a city initially classified as a second class city prior to  
35 January 1, 1993, that retained its second class city plan of government  
36 when the city reorganized as a noncharter code city, the mayor shall

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

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

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

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

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

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

1       **Sec. 32.** RCW 35.23.250 and 1965 c 7 s 35.23.250 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 and  
6 twelve ((councilmen)) councilmembers shall constitute the city council  
7 ((and at their first meeting after taking office)). At the first  
8 council meeting in each calendar year, the city council shall elect one  
9 of their own body to serve as president of the council.

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

19       **Sec. 33.** RCW 35.23.280 and 1965 c 7 s 35.23.280 are each amended  
20 to read as follows:

21       In a city initially classified as a second class city prior to  
22 January 1, 1993, that retained its second class city plan of government  
23 when the city reorganized as a noncharter code city, the mayor shall  
24 have a vote only in the case of a tie in the votes of the  
25 ((councilmen)) councilmembers. The president of the council while  
26 presiding or the president pro tempore((, if a councilman,)) shall have  
27 the right to vote upon all questions coming before the council.

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

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

34       ((~~At any time not within three months previous to an annual~~  
35 ~~election the city council of a second class city~~)) In any city  
36 initially classified as a second class city prior to January 1, 1993,  
37 that retained its second class city plan of government when the city

1 reorganized as a noncharter code city, the city council may divide the  
2 city into wards, not exceeding six in all, or change the boundaries of  
3 existing wards at any time less than one hundred twenty days before a  
4 municipal general election. No change in the boundaries of wards shall  
5 affect the term of any (~~councilman, but he shall serve out his term in~~  
6 ~~the ward of his residence at the time of his election~~) councilmember:  
7 PROVIDED, That if this results in one ward being represented by more  
8 (~~councilmen~~) councilmembers than the number to which it is entitled  
9 those having the shortest unexpired terms shall be assigned by the  
10 council to wards where there is a vacancy. Wards shall be redrawn as  
11 provided in RCW 29.70.100.

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

14 No person shall be eligible to the office of (~~councilman~~)  
15 councilmember unless (~~he~~) the councilmember resides in the ward for  
16 which (~~he~~) the councilmember is elected on the date of (~~his~~) the  
17 election and removal of (~~his~~) the councilmember's residence from the  
18 ward for which (~~he~~) the councilmember was elected renders (~~his~~) the  
19 office vacant.

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

22 The government of a (~~third~~) second class city shall be vested in  
23 a mayor, a city council of seven members, a city attorney, a clerk, a  
24 treasurer, all elective; and a chief of police, municipal judge, city  
25 engineer, street superintendent, health officer and such other  
26 appointive officers as may be provided for by (~~statute or~~) ordinance:  
27 PROVIDED, That the council may enact an ordinance providing for the  
28 appointment of the city clerk, city attorney, and treasurer by the  
29 mayor, which appointment shall be subject to confirmation by a majority  
30 vote of the city council. Such ordinance shall be enacted and become  
31 effective not later than thirty days prior to the first day allowed for  
32 filing declarations of candidacy for such offices when such offices are  
33 subject to an approaching city primary election. Elective incumbent  
34 city clerks, city attorneys, and city treasurers shall serve for the  
35 remainder of their unexpired term notwithstanding any appointment made  
36 pursuant to (~~RCW 35.24.020~~) this section and RCW 35.24.050. If a  
37 free public library and reading room is established, five library  
38 trustees shall be appointed. The city council by ordinance shall



1 prescribe the duties and fix the compensation of all officers and  
2 employees: PROVIDED, That the provisions of any such ordinance shall  
3 not be inconsistent with any statute: PROVIDED FURTHER, That where the  
4 city council finds that the appointment of a full time city engineer is  
5 unnecessary, it may in lieu of such appointment, by resolution provide  
6 for the performance of necessary engineering services on either a part  
7 time, temporary or periodic basis by a qualified engineering firm,  
8 pursuant to any reasonable contract.

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

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

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

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

31 (~~A councilman at large shall be elected biennially for a two-year  
32 term and until his or her successor is elected and qualified and  
33 assumes office in accordance with RCW 29.04.170. Of the other six  
34 councilmen, three shall be elected in each biennial general municipal  
35 election for terms of four years and until their successors are elected  
36 and qualified and assume~~) Council positions shall be numbered in each  
37 second class city so that council position seven has a two-year term of  
38 office and council positions one through six shall each have four-year

1 terms of office. Each councilmember shall remain in office until a  
2 successor is elected and qualified and assumes office in accordance  
3 with RCW 29.04.170.

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

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

28 In a city of the ((third)) second class, the treasurer, city  
29 attorney, clerk, chief of police, and such other officers as the  
30 council may require shall each, before entering upon the duties of  
31 ((his)) office, take an oath of office and execute and file with the  
32 clerk an official bond in such penal sum as the council shall  
33 determine, conditioned for the faithful performance of his or her  
34 duties and otherwise conditioned as may be provided by ordinance. The  
35 oath of office shall be filed with the county auditor.

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

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

8       Vacancies in the city council or in the office of mayor shall be  
9 filled by majority vote of the council. Vacancies in offices other  
10 than that of mayor or city (~~councilman~~) councilmember shall be filled  
11 by appointment of the mayor.

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

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

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

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

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

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

35       (~~His lawful orders shall be promptly executed by deputies, police~~  
36 ~~officers and watchmen.~~) Every citizen shall lend (~~him~~) the police  
37 chief aid, when required, for the arrest of offenders and maintenance

1 of public order. With the concurrence of the mayor, ((he)) the police  
2 chief may appoint additional ((policemen)) police officers to serve for  
3 one day only under ((his)) orders of the chief in the preservation of  
4 public order.

5 ((He)) The police chief shall have the same authority as that  
6 conferred upon sheriffs for the suppression of any riot, public tumult,  
7 disturbance of the peace, or resistance against the laws or the public  
8 authorities in the lawful exercise of their functions and shall be  
9 entitled to the same protection.

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

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

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

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

28 The mayor and the mayor pro tempore shall have power to administer  
29 oaths and affirmations, take affidavits and certify them. The mayor or  
30 the mayor pro tempore when acting as mayor, shall sign all conveyances  
31 made by the city and all instruments which require the seal of the  
32 city.

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

35 ~~((At all meetings of the city council, a majority of the councilmen  
36 shall constitute a quorum for the transaction of business, but a less  
37 number may adjourn from time to time and may compel the attendance of~~

1 ~~absent members in such manner and under such penalties as may be~~  
2 ~~prescribed by ordinance.))~~

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

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

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

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

20 The enacting clause of all ordinances in a ~~((third))~~ second class  
21 city shall be as follows: "The city council of the city of . . . . .  
22 do ordain as follows:"

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

25 No ordinance or any section thereof shall be revised or amended  
26 unless the new ordinance sets forth the revised ordinance or the  
27 amended section at full length.

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

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

33 Every ordinance which passes the council in order to become valid  
34 must be presented to the mayor; if ~~((he))~~ the mayor approves it, ~~((he))~~  
35 the mayor shall sign it, but if not, ~~((he))~~ the mayor shall return it  
36 with ~~((his))~~ written objections to the council and the council shall  
37 cause ~~((his))~~ the mayor's objections to be entered at large upon the  
38 journal and proceed to a reconsideration thereof. If upon

1 reconsideration five members of the council voting upon a call of yeas  
2 and nays favor its passage, the ordinance shall become valid  
3 notwithstanding the mayor's veto. If the mayor fails for ten days to  
4 either approve or veto an ordinance, it shall become valid without  
5 ~~((his))~~ the approval of the mayor.

6 Every ordinance shall be signed by the mayor and attested by the  
7 clerk.

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

10 All ~~((cities of the third class, regardless of their form of  
11 government, and all municipal corporations of the fourth class (towns),  
12 are hereby))~~ second class cities and towns are authorized to use  
13 parking meter revenue as a base for obtaining revenue bonds for use in  
14 improvement of streets, roads, alleys, and such other related public  
15 works.

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

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

21 (1) To authorize the operation of municipally-owned ambulances  
22 which may serve the city and may serve for emergencies surrounding  
23 rural areas;

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

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

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

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

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

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

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

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

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

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

26       The interest received shall be credited to the local improvement  
27 guaranty fund.

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

30       The city council of every city of the (~~third~~) second class may  
31 contract for supplying the city with water, light, power, and heat for  
32 municipal purposes; and within or without the city may acquire,  
33 construct, repair, and manage pumps, aqueducts, reservoirs, plants, or  
34 other works necessary or proper for irrigation purposes or for  
35 supplying water, light, power, or heat or any byproduct thereof for the

1 use of the city and any person within the city and dispose of any  
2 excess of its supply to any person without the city.

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

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

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

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

12 Extensions to plants may be made either

13 (1) By general bond issue,

14 (2) By general tax levies, or

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

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

19 Proceedings attacking the validity of the consolidation of a city  
20 of the (~~third~~) second class or the annexation of territory to a city  
21 of the (~~third~~) second class shall be by quo warranto only, instituted  
22 by the prosecuting attorney of the county in which the city is located  
23 or by a person interested in the proceedings whose interest must  
24 clearly be shown. The quo warranto proceedings must be commenced  
25 within one year after the consolidation or annexation proceedings  
26 complained of and no error, irregularity, or defect of any kind shall  
27 be the basis for invalidating a consolidation or annexation after one  
28 year.

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

31 A city of the (~~third~~) second class operating a municipal court  
32 may not repeal in its entirety that portion of its municipal code  
33 defining crimes or repeal a provision of its municipal code which  
34 defines a crime equivalent to an offense listed in RCW 46.63.020 unless  
35 the municipality has reached an agreement with the appropriate county  
36 under chapter 39.34 RCW under which the county is to be paid a



1 reasonable amount for costs associated with prosecution, adjudication,  
2 and sentencing in criminal cases filed in district court as a result of  
3 the repeal. The agreement shall include provisions for periodic review  
4 and renewal of the terms of the agreement. If the municipality and the  
5 county are unable to agree on the terms for renewal of the agreement,  
6 they shall be deemed to have entered into an agreement to submit the  
7 issue to arbitration under chapter 7.04 RCW. Pending conclusion of the  
8 arbitration proceeding, the terms of the agreement shall remain in  
9 effect. The municipality and the county have the same rights and are  
10 subject to the same duties as other parties who have agreed to submit  
11 to arbitration under chapter 7.04 RCW.

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

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

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

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

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

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

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

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

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

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

28       If, in the judgment of the city council the special benefits for  
29 any such improvement shall extend beyond the boundaries of the filled  
30 area, the council may create an enlarged district which shall include,  
31 as near as may be, all the property, whether actually filled or not,  
32 which will be specially benefited by such improvement, and in such case  
33 the council shall specify and describe the boundaries of such enlarged  
34 district in the ordinance providing for such improvement and shall  
35 specify that such portion of the total cost and expense of such  
36 improvement as may not be borne by the current or general expense fund,  
37 shall be distributed and assessed against all the property of such  
38 enlarged district.

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

3       The city may guarantee the payment of the whole or any part of the  
4 bonds issued against a local improvement district, but the guaranties  
5 on the part of the city, other than a city operating under the council-  
6 manager form or the commission form, shall be made only by ordinance  
7 passed by the vote of not less than nine (~~(councilmen)~~) councilmembers  
8 and the approval of the mayor in (~~(cities of the second class)~~)  
9 noncharter code cities that retained the old second class city plan of  
10 government with twelve council positions, and six (~~(councilmen)~~)  
11 councilmembers and approval of the mayor in cities of the (~~(third)~~)  
12 second class. In a city under the council-manager form of government,  
13 such guaranties shall be made only in an ordinance passed by a vote of  
14 three out of five or five out of seven (~~(councilmen)~~) councilmembers,  
15 as the case may be, and approval of the mayor. In a city under the  
16 commission form of government, such guaranties shall be made only in an  
17 ordinance passed by a vote of two out of three of the commissioners.  
18 The mayor's approval shall not be necessary in commission form cities.

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

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

29       For the purpose of filling and raising the grade or elevation of  
30 such lands and to secure material therefor and to provide for the  
31 proper drainage thereof after such fill has been effected, the city  
32 council or commission may acquire rights of way (and where necessary or  
33 desirable, may vacate, use and appropriate streets and alleys for such  
34 purposes) and lay out, build, construct and maintain over and across  
35 such lowlands, canals or artificial waterways of at least sufficient  
36 width, depth and length to provide and afford the quantity of earth,  
37 dirt and material required to complete such fill, and with the earth,  
38 dirt and material removed in digging and constructing such canals and

1 waterways, fill and raise the grade or elevation of such marshlands,  
2 swamplands, tidelands or tideflats; and such canals or waterways shall  
3 be constructed of such width and depth (provided that all the earth,  
4 dirt and other suitable material removed in constructing the same shall  
5 be used to fill the lowlands as herein provided) as will make them  
6 available, convenient and suitable to provide water frontage for  
7 landings, wharves and other conveniences of navigation and commerce for  
8 the use and benefit of the city and the public. If canals or waterways  
9 are to be constructed as herein provided, such city may construct and  
10 maintain the necessary bridges over and across the same; such canals or  
11 waterways shall be forever under the control of such city and shall be  
12 and become public thoroughfares and waterways for the use and benefit  
13 of commerce, shipping, the city and the public generally.

14 The expense of making such improvement and in doing, accomplishing  
15 and effecting all the work provided for in this chapter including the  
16 cost of making compensation for property taken or damaged, and all  
17 other cost and expense incidental to such improvement, shall be  
18 assessed to the property benefited, except such amount of such expense  
19 as the city council or commission, in its discretion, may direct to be  
20 paid out of the current or general expense fund.

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

23 Cities of five thousand or more population and such contiguous  
24 property the residents of which may decide in favor thereof in the  
25 manner set forth in this chapter may create a metropolitan park  
26 district for the management, control, improvement, maintenance, and  
27 acquisition of parks, parkways, and boulevards(~~(:—PROVIDED, That no~~  
28 ~~municipal corporation of the fourth class shall be included within such~~  
29 ~~metropolitan park district, and any such fourth class municipal~~  
30 ~~corporation heretofore included within such district is hereby~~  
31 ~~automatically withdrawn)).~~

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

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

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

4       The term "sidewalk" includes any and all structures or forms of  
5 street improvement included in the space between the street margin and  
6 the roadway.

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

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

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

15       This chapter shall not be construed as repealing or amending any  
16 provision relating to the improvement of streets or public places by  
17 special assessments commonly known as local improvement laws, but shall  
18 be considered as additional legislation and auxiliary thereto and the  
19 city or town council, of any city of the (~~(third)~~) second class or town  
20 before exercising the authority herein granted may by ordinance provide  
21 for the application and enforcement of the provisions of this chapter  
22 within the limitations herein specified.

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

25       Cities of the first(~~(, second and third)~~) and second class are  
26 authorized and empowered to establish and maintain public off-street  
27 parking facilities through a parking commission; the use of property  
28 and property rights for such purpose is declared to be a public use;  
29 and parking facilities under the control of such parking commission  
30 shall be governed by the provisions of this chapter.

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

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

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

6       Three of those first appointed shall be designated to serve for  
7 one, two, and three years respectively, and two shall be designated to  
8 serve four years. The terms for all subsequently appointed members  
9 shall be four years. In event of any vacancy, the mayor, subject to  
10 confirmation of the city council, shall make appointments to fill the  
11 unexpired portion of the term.

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

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

17       Where used in this title with reference to procedures established  
18 by this title in regard to a change of plan or classification of  
19 government, unless a different meaning is plainly required by the  
20 context:

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

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

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

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

33       (5) "Plan of government" means (~~(either the)) a mayor-council form  
34 of government under chapter 35A.12 RCW, council-manager form of  
35 government under chapter 35A.13 RCW, or mayor-council, council-manager,  
36 or commission form of government in general that is retained by a  
37 noncharter code city as provided in RCW 35A.02.130, without regard to~~

1 variations in the number of elective offices or whether officers are  
2 elective or appointive.

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

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

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

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

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

21 Any incorporated city or town governed under a plan of government  
22 authorized prior to the time this title takes effect may become a  
23 noncharter code city without changing such plan of government by the  
24 use of the petition-for-election or resolution-for-election procedures  
25 provided in RCW 35A.02.060 and 35A.02.070 to submit to the voters a  
26 proposal that such municipality adopt the classification of noncharter  
27 code city while retaining its existing plan of government, and upon a  
28 favorable vote on the proposal, such municipality shall be classified  
29 as a noncharter code city and retain its old plan of government, such  
30 reclassification to be effective upon the filing of the record of such  
31 election with the office of the secretary of state. Insofar as the  
32 provisions of RCW 35A.02.100 and 35A.02.110 are applicable to an  
33 election on such a reclassification proposal they shall apply to such  
34 election.

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

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

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

15       By use of the resolution for election or petition for election  
16 methods described in RCW 35A.06.040, any noncharter code city which has  
17 operated for more than six consecutive years under one of the optional  
18 plans of government authorized by this title, or for more than a  
19 combined total of six consecutive years under a particular plan of  
20 government both as a code city and under the same general plan under  
21 Title 35 RCW immediately prior to becoming a code city, may abandon  
22 such organization and may reorganize and adopt another plan of  
23 government authorized for noncharter code cities, but only after having  
24 been a noncharter code city for more than one year or a city after  
25 operating for more than six consecutive years under a particular plan  
26 of government as a noncharter code city (~~((or may reclassify and adopt~~  
27 ~~a plan of government authorized by the general law for municipalities~~  
28 ~~of the highest class for which the population of such city qualifies~~  
29 ~~it, or authorized for the class to which such city belonged immediately~~  
30 ~~prior to becoming a noncharter code city, if any))): PROVIDED, That  
31 these limitations shall not apply to a city seeking to adopt a charter.~~

32       In reorganization under a different general plan of government as  
33 a noncharter code city, officers shall all be elected as provided in  
34 RCW 35A.02.050. When a noncharter code city adopts a plan of  
35 government other than those authorized under Title 35A RCW, such city  
36 ceases to be governed under this optional municipal code and shall be  
37 classified as a city or town of the class selected in the proceeding



1 for adoption of such new plan, with the powers granted to such class  
2 under the general law.

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

5 The classifications of municipalities which existed prior to the  
6 time this title goes into effect--first class cities, second class  
7 cities, (~~third class~~) unclassified cities, and (~~fourth class~~)  
8 towns--and the restrictions, limitations, duties and obligations  
9 specifically imposed by law upon such classes of cities and towns,  
10 shall have no application to charter code cities, but every charter  
11 code city, by adopting such classification, has elected to be governed  
12 by its charter and by the provisions of this title, with the powers  
13 thereby granted.

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

16 The government of any noncharter code city or charter code city  
17 electing to adopt the mayor-council plan of government authorized by  
18 this chapter shall be vested in an elected mayor and an elected  
19 council. The council of a noncharter code city having less than  
20 twenty-five hundred inhabitants shall consist of five members; when  
21 there are twenty-five hundred or more inhabitants, the council shall  
22 consist of seven members: PROVIDED, That if the population of a city  
23 after having become a code city decreases from twenty-five hundred or  
24 more to less than twenty-five hundred, it shall continue to have a  
25 seven member council. If, after a city has become a mayor-council code  
26 city, its population increases to twenty-five hundred or more  
27 inhabitants, the number of councilmanic offices in such city may  
28 increase from five to seven members upon the affirmative vote of a  
29 majority of the existing council to increase the number of councilmanic  
30 offices in the city. When the population of a mayor-council code city  
31 having five councilmanic offices increases to five thousand or more  
32 inhabitants, the number of councilmanic offices in the city shall  
33 increase from five to seven members. In the event of an increase in  
34 the number of councilmanic offices, the city council shall, by majority  
35 vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these  
36 offices until the next municipal general election, at which election  
37 one person shall be elected for a two-year term and one person shall be

1 elected for a four-year term. The number of inhabitants shall be  
2 determined by the most recent official state or federal census or  
3 determination by the state office of financial management. A charter  
4 adopted under the provisions of this title, incorporating the mayor-  
5 council plan of government set forth in this chapter, may provide for  
6 an uneven number of (~~councilmen~~) councilmembers not exceeding eleven.

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

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

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

24 The (~~councilmen~~) councilmembers shall be the only elective  
25 officers of a code city electing to adopt the council-manager plan of  
26 government authorized by this chapter, except where statutes provide  
27 for an elective municipal judge. The council shall appoint an officer  
28 whose title shall be "city manager" who shall be the chief executive  
29 officer and head of the administrative branch of the city government.  
30 The city manager shall be responsible to the council for the proper  
31 administration of all affairs of the code city. The council of a  
32 noncharter code city having less than twenty-five hundred inhabitants  
33 shall consist of five members; when there are twenty-five hundred or  
34 more inhabitants the council shall consist of seven members: PROVIDED,  
35 That if the population of a city after having become a code city  
36 decreases from twenty-five hundred or more to less than twenty-five  
37 hundred, it shall continue to have a seven member council. If, after  
38 a city has become a council-manager code city its population increases

1 to twenty-five hundred or more inhabitants, the number of councilmanic  
2 offices in such city may increase from five to seven members upon the  
3 affirmative vote of a majority of the existing council to increase the  
4 number of councilmanic offices in the city. When the population of a  
5 council-manager code city having five councilmanic offices increases to  
6 five thousand or more inhabitants, the number of councilmanic offices  
7 in the city shall increase from five to seven members. In the event of  
8 an increase in the number of councilmanic offices, the city council  
9 shall, by majority vote, pursuant to RCW 35A.13.020, appoint two  
10 persons to serve in these offices until the next municipal general  
11 election, at which election one person shall be elected for a two-year  
12 term and one person shall be elected for a four-year term. The number  
13 of inhabitants shall be determined by the most recent official state or  
14 federal census or determination by the state office of financial  
15 management. A charter adopted under the provisions of this title,  
16 incorporating the council-manager plan of government set forth in this  
17 chapter may provide for an uneven number of ((~~councilmen~~))  
18 councilmembers not exceeding eleven.

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

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

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

36 Except as otherwise provided in this chapter, municipal elections  
37 in code cities having seven or more ((~~councilmen~~)) councilmembers shall  
38 be conducted in accordance with the applicable provisions of Title 29

1 RCW relating to elections in first(~~(, second and third)~~) or second  
2 class cities and the municipal elections in code cities having five  
3 (~~(councilmen)~~) councilmembers shall be conducted in accordance with the  
4 applicable provisions of Title 29 RCW relating to elections in (~~(fourth~~  
5 ~~class municipalities~~)(~~)~~)towns(~~(+)~~)).

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

8 Prior to the adoption of or amendment of the sewerage and/or water  
9 general plan, the county legislative authority (or authorities) shall  
10 submit the plan or amendment to a review committee. The review  
11 committee shall consist of:

12 (1) A representative of each (~~(first and second class)~~) city with  
13 a population of ten thousand or more within or adjoining the area  
14 selected by the mayor thereof (if there are no (~~(first or second~~  
15 ~~class)~~) such cities within the plan area, then one representative  
16 chosen by the mayor of the city with the largest population within the  
17 plan area);

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

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

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

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

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

34 If the legislative authority rejects the plan pursuant to RCW  
35 36.94.090, the review committee shall be deemed to be dissolved;  
36 otherwise the review committee shall continue in existence to review  
37 amendments to the plan. Vacancies on the committee shall be filled in  
38 the same manner as the original appointment to that position.

1        Instead of a review committee for each plan area, the county  
2 legislative authority or authorities may create a review committee for  
3 the entire county or counties, and the review committee shall continue  
4 in existence until dissolved by the county legislative authority or  
5 authorities.

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

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

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

30        Any city or town (~~(of the first, second, third or fourth class))~~  
31 may elect to participate in the retirement system established by this  
32 chapter: PROVIDED, That a first class city may establish or maintain  
33 any other retirement system authorized by any other law or its charter.  
34 The manner of election to participate in a retirement system under this  
35 chapter shall be as follows:

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

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

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

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

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

24 In the case of a state association of cities and towns, election to  
25 participate shall be by majority vote of the board of directors of the  
26 association.

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

29 No municipal officer shall be beneficially interested, directly or  
30 indirectly, in any contract which may be made by, through or under the  
31 supervision of such officer, in whole or in part, or which may be made  
32 for the benefit of his or her office, or accept, directly or  
33 indirectly, any compensation, gratuity or reward in connection with  
34 such contract from any other person beneficially interested therein.  
35 This section shall not apply in the following cases:

36 (1) The furnishing of electrical, water or other utility services  
37 by a municipality engaged in the business of furnishing such services,

1 at the same rates and on the same terms as are available to the public  
2 generally;

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

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

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

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

15 (6) The letting of any other contract (except a sale or lease as  
16 seller or lessor) by a municipality, other than a county with a  
17 population of one hundred twenty-five thousand or more, a city (~~of the~~  
18 ~~first or second class~~) with a population of ten thousand or more, an  
19 irrigation district encompassing in excess of fifty thousand acres, or  
20 a first class school district: PROVIDED, That the total volume of  
21 business represented by such contract or contracts in which a  
22 particular officer is interested, singly or in the aggregate, as  
23 measured by the dollar amount of the municipality's liability  
24 thereunder, shall not exceed seven hundred fifty dollars in any  
25 calendar month: PROVIDED FURTHER, That in the case of a particular  
26 officer of a (~~third~~) second class city or town, or a noncharter  
27 optional code city, or a member of any county fair board in a county  
28 which has not established a county purchasing department pursuant to  
29 RCW 36.32.240, the total volume of such contract or contracts  
30 authorized in this subsection may exceed seven hundred fifty dollars in  
31 any calendar month but shall not exceed nine thousand dollars in any  
32 calendar year: PROVIDED FURTHER, That there shall be public disclosure  
33 by having an available list of such purchases or contracts, and if the  
34 supplier or contractor is an official of the municipality, he or she  
35 shall not vote on the authorization;

36 (7) The leasing by a port district as lessor of port district  
37 property to a municipal officer or to a contracting party in which a  
38 municipal officer may be beneficially interested, if in addition to all  
39 other legal requirements, a board of three disinterested appraisers,

1 who shall be appointed from members of the American institute of real  
2 estate appraisers by the presiding judge of the superior court in the  
3 county where the property is situated, shall find and the court finds  
4 that all terms and conditions of such lease are fair to the port  
5 district and are in the public interest;

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

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

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

25 A district may sell and convey, lease, or otherwise dispose of all  
26 or any part of its works, plants, systems, utilities and properties,  
27 after proceedings and approval by the voters of the district, as  
28 provided for the lease or disposition of like properties and facilities  
29 owned by cities and towns: PROVIDED, That the affirmative vote of  
30 three-fifths of the voters voting at an election on the question of  
31 approval of a proposed sale, shall be necessary to authorize such sale:  
32 PROVIDED FURTHER, That a district may sell, convey, lease or otherwise  
33 dispose of all or any part of the property owned by it, located outside  
34 its boundaries, to another public utility district, city, town or other  
35 municipal corporation without the approval of the voters; or may sell,  
36 convey, lease, or otherwise dispose of to any person or public body,  
37 any part, either within or without its boundaries, which has become  
38 unserviceable, inadequate, obsolete, worn out or unfit to be used in



1 the operations of the system and which is no longer necessary, material  
2 to, and useful in such operations, without the approval of the voters:  
3 PROVIDED FURTHER, That a public utility district located within a  
4 county with a population of from one hundred twenty-five thousand to  
5 less (~~that~~ ~~[than]~~) than two hundred ten thousand may sell and convey  
6 to a city of the first class, which owns its own water system, all or  
7 any part of a water system owned by said public utility district where  
8 a portion of it is located within the boundaries of such city, without  
9 approval of the voters upon such terms and conditions as the district  
10 shall determine: PROVIDED FURTHER, That a public utility district  
11 located in a county with a population of from twelve thousand to less  
12 than eighteen thousand and bordered by the Columbia river may,  
13 separately or in connection with the operation of a water system, or as  
14 part of a plan for acquiring or constructing and operating a water  
15 system, or in connection with the creation of another or subsidiary  
16 local utility district, may provide for the acquisition or  
17 construction, additions or improvements to, or extensions of, and  
18 operation of a sewage system within the same service area as in the  
19 judgment of the district commission is necessary or advisable in order  
20 to eliminate or avoid any existing or potential danger to the public  
21 health by reason of the lack of sewerage facilities or by reason of the  
22 inadequacy of existing facilities: AND PROVIDED FURTHER, That a public  
23 utility district located within a county with a population of from one  
24 hundred twenty-five thousand to less than two hundred ten thousand  
25 bordering on Puget Sound may sell and convey to any city of (~~the third~~  
26 ~~class~~) or town with a population of less than ten thousand all or any  
27 part of a water system owned by said public utility district without  
28 approval of the voters upon such terms and conditions as the district  
29 shall determine. Public utility districts are municipal corporations  
30 for the purposes of this section and the commission shall be held to be  
31 the legislative body and the president and secretary shall have the  
32 same powers and perform the same duties as the mayor and city clerk and  
33 the resolutions of the districts shall be held to be ordinances within  
34 the meaning of the statutes governing the sale, lease, or other  
35 disposal of public utilities owned by cities and towns.

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

1 Any sewer district organized, or reorganized, under this title may  
2 be disincorporated in the same manner (insofar as the same is  
3 applicable) as is provided in (~~sections 8914 to 8931, inclusive, of~~  
4 ~~Remington's Revised Statutes, also Pierce's Perpetual Code 395-1 to~~  
5 ~~395-35 [RCW 35.07.010 through 35.07.220]~~) RCW 35.07.010 through  
6 35.07.220, for the disincorporation of the (~~third and fourth class~~)  
7 cities and towns, except that the petition for disincorporation shall  
8 be signed by not less than twenty-five percent of the voters in the  
9 sewer district.

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

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

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

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

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

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

36 (d) A water district may construct, condemn and purchase, purchase,  
37 add to, maintain, and supply waterworks to furnish the district and

1 inhabitants thereof, and any city or town therein and any other  
2 persons, both within and without the district, with an ample supply of  
3 water for all uses and purposes public and private with full authority  
4 to regulate and control the use, content, distribution, and price  
5 thereof in such a manner as is not in conflict with general law and may  
6 construct, acquire, or own buildings and other necessary district  
7 facilities. Where a customer connected to the district's system uses  
8 the water on an intermittent or transient basis, a district may charge  
9 for providing water service to such a customer, regardless of the  
10 amount of water, if any, used by the customer.

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

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

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

30 (h) For the purpose of constructing or laying aqueducts or pipe  
31 lines, dams, or waterworks or other necessary structures in storing and  
32 retaining water or for any other lawful purpose such water district may  
33 occupy the beds and shores up to the high water mark of any such lake,  
34 river, or other watercourse, and may acquire by purchase or  
35 condemnation such property or property rights or privileges as may be  
36 necessary to protect its water supply from pollution.

37 (i) For the purposes of waterworks which include facilities for the  
38 generation of electricity as a byproduct, nothing in this section may  
39 be construed to authorize a water district to condemn electric

1 generating, transmission, or distribution rights or facilities of  
2 entities authorized by law to distribute electricity, or to acquire  
3 such rights or facilities without the consent of the owner.

4 (2) A water district may purchase and take water from any municipal  
5 corporation.

6 (3) A water district may fix rates and charges for water supplied  
7 and may charge property owners seeking to connect to the district's  
8 water supply system, as a condition to granting the right to so  
9 connect, in addition to the cost of such connection, such reasonable  
10 connection charge as the board of commissioners shall determine to be  
11 proper in order that such property owners shall bear their equitable  
12 share of the cost of such system.

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

22 (b) The connection charge may include interest charges applied from  
23 the date of construction of the water system until the connection, or  
24 for a period not to exceed ten years, whichever is shorter, at a rate  
25 commensurate with the rate of interest applicable to the district at  
26 the time of construction or major rehabilitation of the water system,  
27 or at the time of installation of the water lines to which the property  
28 owner is seeking to connect.

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

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

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

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

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

11 (1) A cemetery district organized under this chapter shall have  
12 power to acquire, establish, maintain, manage, improve and operate  
13 cemeteries and conduct any and all of the businesses of a cemetery as  
14 defined in this title. A cemetery district shall constitute a cemetery  
15 authority as defined in this title and shall have and exercise all  
16 powers conferred thereby upon a cemetery authority and be subject to  
17 the provisions thereof.

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

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

33 The right to fix and regulate the speed of railway trains within  
34 the limits of (~~((code cities, cities of the second class, third class,~~  
35 ~~towns))~~) any city or town other than a first class city, and at grade  
36 crossings as defined in RCW 81.53.010 where such grade crossings are  
37 outside the limits of cities and towns, is vested exclusively in the

1 commission: PROVIDED, That RCW 81.48.030 and 81.48.040 shall not apply  
2 to street railways which may be operating or hereafter operated within  
3 the limits of said cities and towns.

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

6 After due investigation (~~((and within a reasonable time after June~~  
7 ~~9, 1943))~~), the commission shall make and issue an order fixing and  
8 regulating the speed of railway trains within the limits of cities (~~((of~~  
9 ~~the second class, cities of the third class,))~~) and towns other than  
10 first class cities. The speed limit to be fixed by the commission  
11 shall be discretionary, and it may fix different rates of speed for  
12 different cities and towns, which rates of speed shall be commensurate  
13 with the hazard presented and the practical operation of the trains.  
14 The commission shall also fix and regulate the speed of railway trains  
15 at grade crossings as defined in RCW 81.53.010 where such grade  
16 crossings are outside the limits of cities and towns when in the  
17 judgment of the commission the public safety so requires; such speed  
18 limit to be fixed shall be discretionary with the commission and may be  
19 different for different grade crossings and shall be commensurate with  
20 the hazard presented and the practical operation of trains. The  
21 commission shall have the right from time to time, as conditions  
22 change, to either increase or decrease speed limits established under  
23 RCW 81.48.030 and 81.48.040.

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

26 It shall be the duty of the city council or other governing body of  
27 (~~((cities of the first class, except cities))~~) every city, other than a  
28 city having a population of three hundred thousand or more, (~~((the city~~  
29 ~~councils or other governing bodies of cities of the second or third~~  
30 ~~class,))~~) the board of directors of school districts of the first class,  
31 the superintendent of each educational service district for each  
32 constituent second class school district, commissioners of port  
33 districts, commissioners of metropolitan park districts, and of all  
34 officials or boards of taxing districts within or coextensive with any  
35 county required by law to certify to the county legislative authority,  
36 for the purpose of levying district taxes, budgets or estimates of the  
37 amounts to be raised by taxation on the assessed valuation of the

1 property in the city or district, through their (~~chairman~~) chair and  
2 clerk, or secretary, to make and file such certified budget or  
3 estimates with the clerk of the county legislative authority on or  
4 before the fifteenth day of November.

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

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

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

30 The department of transportation may, in its sole discretion, grant  
31 to any person or corporation the right, privilege, and authority to  
32 perpetually back and hold the waters of any lake, river, stream,  
33 slough, or other body of water, upon or over any state, county, or  
34 permanent highway or road, or any street or alley within the limits of  
35 any town (~~or city of the fourth class~~), or any part thereof, and  
36 overflow and inundate the same whenever the director of ecology deems  
37 it necessary for the purpose of erecting, constructing, maintaining, or

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



1 county in which the road or permanent highway is situated shall be made  
2 a party defendant, and when any street or alley in any town (~~or city~~  
3 ~~of the fourth class~~) is affected the city or town shall be made a  
4 party defendant. Any person or corporation may acquire the right to  
5 overflow as against the owner of the fee in any such highway, road,  
6 street, or alley by making the owner of the fee or of any part thereof  
7 a party defendant in the condemnation suit provided for herein or by  
8 instituting a separate condemnation suit against any such owner. The  
9 damages sustained by any such owner as a result of the overflow of any  
10 such highway, road, street, or alley shall be determined as in other  
11 condemnation cases, separate and apart from any damage sustained by the  
12 state, county, city, or town.

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

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

1 street or alley or such part thereof described in said grant shall be  
2 deemed to be abandoned and thereafter cease to be a highway, road,  
3 street or alley.

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

- 6 (1) RCW 35.01.030 and 1965 c 7 s 35.01.030;
- 7 (2) RCW 35.06.020 and 1965 c 7 s 35.06.020;
- 8 (3) RCW 35.06.030 and 1965 c 7 s 35.06.030;
- 9 (4) RCW 35.06.040 and 1965 c 7 s 35.06.040;
- 10 (5) RCW 35.06.050 and 1965 c 7 s 35.06.050;
- 11 (6) RCW 35.06.060 and 1965 c 7 s 35.06.060;
- 12 (7) RCW 35.23.030 and 1965 c 7 s 35.23.030;
- 13 (8) RCW 35.23.050 and 1965 c 7 s 35.23.050;
- 14 (9) RCW 35.23.070 and 1965 c 7 s 35.23.070;
- 15 (10) RCW 35.23.090 and 1965 c 7 s 35.23.090;
- 16 (11) RCW 35.23.100 and 1965 c 7 s 35.23.100;
- 17 (12) RCW 35.23.110 and 1965 c 7 s 35.23.110;
- 18 (13) RCW 35.23.130 and 1965 c 7 s 35.23.130;
- 19 (14) RCW 35.23.132 and 1965 c 7 s 35.23.132;
- 20 (15) RCW 35.23.140 and 1965 c 7 s 35.23.140;
- 21 (16) RCW 35.23.200 and 1965 c 7 s 35.23.200;
- 22 (17) RCW 35.23.210 and 1965 ex.s. c 116 s 6 & 1965 c 7 s 35.23.210;
- 23 (18) RCW 35.23.220 and 1969 ex.s. c 270 s 7 & 1965 c 7 s 35.23.220;
- 24 (19) RCW 35.23.230 and 1965 c 7 s 35.23.230;
- 25 (20) RCW 35.23.240 and 1965 c 7 s 35.23.240;
- 26 (21) RCW 35.23.260 and 1965 c 7 s 35.23.260;
- 27 (22) RCW 35.23.300 and 1965 c 7 s 35.23.300;
- 28 (23) RCW 35.23.310 and 1988 c 168 s 2 & 1965 c 7 s 35.23.310;
- 29 (24) RCW 35.23.320 and 1965 c 7 s 35.23.320;
- 30 (25) RCW 35.23.370 and 1965 c 7 s 35.23.370;
- 31 (26) RCW 35.23.450 and 1965 c 7 s 35.23.450;
- 32 (27) RCW 35.23.500 and 1965 c 7 s 35.23.500;
- 33 (28) RCW 35.23.510 and 1965 c 7 s 35.23.510;
- 34 (29) RCW 35.23.540 and 1965 c 7 s 35.23.540;
- 35 (30) RCW 35.23.550 and 1965 c 7 s 35.23.550;
- 36 (31) RCW 35.23.595 and 1984 c 258 s 205;
- 37 (32) RCW 35.24.010 and 1965 c 7 s 35.24.010;
- 38 (33) RCW 35.24.030 and 1965 c 7 s 35.24.030;

- 1 (34) RCW 35.24.060 and 1965 c 7 s 35.24.060;  
2 (35) RCW 35.24.274 and 1965 c 7 s 35.24.274;  
3 (36) RCW 35.24.275 and 1965 c 7 s 35.24.275;  
4 (37) RCW 35.24.290 and 1993 c 83 s 6, 1986 c 278 s 5, 1984 c 258 s  
5 804, 1977 ex.s. c 316 s 23, 1965 ex.s. c 116 s 10, & 1965 c 7 s  
6 35.24.290;  
7 (38) RCW 35.24.340 and 1965 c 7 s 35.24.340;  
8 (39) RCW 35.24.350 and 1973 1st ex.s. c 195 s 17 & 1965 c 7 s  
9 35.24.350;  
10 (40) RCW 35.24.380 and 1965 c 7 s 35.24.380;  
11 (41) RCW 35.24.390 and 1965 c 7 s 35.24.390;  
12 (42) RCW 35.61.320 and 1965 c 7 s 35.61.320;  
13 (43) RCW 35.61.330 and 1965 c 7 s 35.61.330; and  
14 (44) RCW 35.61.340 and 1965 c 7 s 35.61.340.

15 NEW SECTION. **Sec. 90.** (1) The code reviser shall recodify the  
16 following sections as sections within chapter 35.23 RCW: RCW  
17 35.24.020, 35.24.050, 35.24.070, 35.24.080, 35.24.090, 35.24.100,  
18 35.24.110, 35.24.120, 35.24.130, 35.24.140, 35.24.142, 35.24.144,  
19 35.24.146, 35.24.148, 35.24.160, 35.24.180, 35.24.190, 35.24.200,  
20 35.24.210, 35.24.220, 35.24.250, 35.24.260, 35.24.300, 35.24.305,  
21 35.24.306, 35.24.310, 35.24.330, 35.24.370, 35.24.400, 35.24.410,  
22 35.24.420, 35.24.430, 35.24.440, and 35.24.455.

23 (2) The code reviser shall recodify the following sections within  
24 chapter 35.23 RCW with codification numbers above RCW 35.23.680: RCW  
25 35.23.020, 35.23.040, 35.23.080, 35.23.120, 35.23.150, 35.23.160,  
26 35.23.180, 35.23.190, 35.23.250, 35.23.280, and 35.23.530.

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

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

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