
SENATE BILL 5473

State of Washington

56th Legislature

1999 Regular Session

By Senators Hale and Loveland

Read first time 01/25/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to local improvement districts; and amending RCW
2 35.43.180 and 87.03.480.

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

4 **Sec. 1.** RCW 35.43.180 and 1983 c 303 s 3 are each amended to read
5 as follows:

6 The jurisdiction of the legislative authority of a city or town to
7 proceed with any local improvement initiated by resolution shall be
8 divested by a protest filed with the city or town council within thirty
9 days from the date of passage of the ordinance ordering the
10 improvement, signed by the owners of the property within the proposed
11 local improvement district or utility local improvement district
12 subject to ((~~sixty~~)) fifty-one percent or more of the total cost of the
13 improvement including federally-owned or other nonassessable property
14 as shown and determined by the preliminary estimates and assessment
15 roll of the proposed improvement district or, if all or part of the
16 local improvement district or utility local improvement district lies
17 outside of the city or town, such jurisdiction shall be divested by a
18 protest filed in the same manner and signed by the owners of property
19 which is within the proposed local improvement district or utility

1 local improvement district but outside the boundaries of the city or
2 town, and which is subject to ((~~sixty~~)) forty percent or more of that
3 part of the total cost of the improvement allocable to property within
4 the proposed local improvement district or utility local improvement
5 district but outside the boundaries of the city or town, including
6 federally-owned or other nonassessable property: PROVIDED, That such
7 restraint by protest shall not apply to any of the following local
8 improvements, if the legislative body finds and recites in the
9 ordinance or resolution authorizing the improvement that such
10 improvement is necessary for the protection of the public health and
11 safety and such ordinance or resolution is passed by unanimous vote of
12 all members present: (1) Sanitary sewers or watermains where the
13 health officer of the city or town, or department of ecology, files
14 with the legislative authority a report showing the necessity for such
15 improvement; and (2) fire hydrants where the chief of the fire
16 department files a report showing the necessity for such improvement.

17 **Sec. 2.** RCW 87.03.480 and 1959 c 75 s 9 are each amended to read
18 as follows:

19 Any desired special construction, reconstruction, betterment or
20 improvement or purchase or acquisition of improvements already
21 constructed, for any authorized district service, including but not
22 limited to the safeguarding of open canals or ditches for the
23 protection of the public therefrom, which are for the special benefit
24 of the lands tributary thereto and within an irrigation district may be
25 constructed or acquired and provision made to meet the cost thereof as
26 follows:

27 The holders of title or evidence of title to one-quarter of the
28 acreage proposed to be assessed, may file with the district board their
29 petition reciting the nature and general plan of the desired
30 improvement and specifying the lands proposed to be specially assessed
31 therefor. The petition shall be accompanied by a bond in the sum of
32 one hundred dollars with surety to be approved by the board,
33 conditioned that the petitioners will pay the cost of an investigation
34 of the project and of the hearing thereon if it is not established.
35 The board may at any time require a bond in an additional sum. Upon
36 the filing of the petition the board with the assistance of a competent
37 engineer, shall make an investigation of the feasibility, cost, and
38 need of the proposed local improvement together with the ability of the

1 lands to pay the cost, and if it appears feasible, they shall have
2 plans and estimate of the cost prepared. If a protest against the
3 establishment of the proposed improvement signed by a majority of the
4 holders of title in the proposed local district is presented at or
5 before the hearing, or if the proposed improvement should be found not
6 feasible, too expensive, or the lands to be benefited insufficient
7 security for the costs, they shall dismiss the petition at the expense
8 of the petitioners. If any vote of the affected property owners is
9 taken to determine acceptability of the proposed improvement, only the
10 votes of those owners actually present at the meeting may be
11 considered. The unexpressed opinions and positions of those owners not
12 present at the meeting may not affect such vote.

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