
HOUSE BILL 1434

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Orcutt, Probst, Parker, Angel, Kelley, Eddy, Condotta, Sells, Harris, and McCune

Read first time 01/21/11. Referred to Committee on Local Government.

1 AN ACT Relating to compliance with sales, use, and business and
2 occupation tax requirements; and amending RCW 35.22.280, 35.23.440,
3 35.27.370, 35.102.050, and 35A.21.335.

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

5 **Sec. 1.** RCW 35.22.280 and 2009 c 549 s 2046 are each amended to
6 read as follows:

7 Any city of the first class (~~shall have~~) has power:

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

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

13 (3) To control the finances and property of the corporation, and to
14 acquire, by purchase or otherwise, such lands and other property as may
15 be necessary for any part of the corporate uses provided for by its
16 charter, and to dispose of any such property as the interests of the
17 corporation may, from time to time, require;

18 (4) To borrow money for corporate purposes on the credit of the
19 corporation, and to issue negotiable bonds therefor, on such conditions

1 and in such manner as (~~shall be~~) is prescribed in its charter; but no
2 city (~~shall~~) may, in any manner or for any purpose, become indebted
3 to an amount in the aggregate to exceed the limitation of indebtedness
4 prescribed by chapter 39.36 RCW as now or hereafter amended;

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

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

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

20 (8) To change the grade of any street, highway, or alley within its
21 corporate limits, and to provide for the payment of damages to any
22 abutting owner or owners who (~~shall~~) have built or made other
23 improvements upon such street, highway, or alley at any point opposite
24 to the point where (~~such~~) the change (~~shall~~) will be made with
25 reference to the grade of such street, highway, or alley as the same
26 existed prior to such change;

27 (9) To authorize or prohibit the locating and constructing of any
28 railroad or street railroad in any street, alley, or public place in
29 such city, and to prescribe the terms and conditions upon which any
30 such railroad or street railroad (~~shall~~) will be located or
31 constructed; to provide for the alteration, change of grade, or removal
32 thereof; to regulate the moving and operation of railroad and street
33 railroad trains, cars, and locomotives within the corporate limits of
34 said city; and to provide by ordinance for the protection of all
35 persons and property against injury in the use of such railroads or
36 street railroads;

37 (10) To provide for making local improvements, and to levy and

1 collect special assessments on property benefited thereby, and for
2 paying for the same or any portion thereof;

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

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

27 (13) To determine what work (~~shall~~) will be done or improvements
28 made at the expense, in whole or in part, of the owners of the
29 adjoining contiguous, or proximate property, or others specially
30 benefited thereby; and to provide for the manner of making and
31 collecting assessments therefor;

32 (14) To provide for erecting, purchasing, or otherwise acquiring
33 waterworks, within or without the corporate limits of said city, to
34 supply said city and its inhabitants with water, or authorize the
35 construction of same by others when deemed for the best interests of
36 such city and its inhabitants, and to regulate and control the use and
37 price of the water so supplied;

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

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

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

25 (18) To provide for establishing and maintaining reform schools for
26 juvenile offenders;

27 (19) To provide for the establishment and maintenance of public
28 libraries, and to appropriate, annually, such percent of all moneys
29 collected for fines, penalties, and licenses as (~~shall be~~) prescribed
30 by its charter, for the support of a city library, which (~~shall~~) are,
31 under such regulations as (~~shall be~~) are prescribed by ordinance,
32 (~~be~~) open for use by the public;

33 (20) To regulate the burial of the dead, and to establish and
34 regulate cemeteries within or without the corporate limits, and to
35 acquire land therefor by purchase or otherwise; to cause cemeteries to
36 be removed beyond the limits of the corporation, and to prohibit their
37 establishment within two miles of the boundaries thereof;

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

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

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

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

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

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

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

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

35 (29) To require the owners of public halls or other buildings to
36 provide suitable means of exit; to provide for the prevention and
37 abatement of nuisances, for the cleaning and purification of
38 watercourses and canals, for the drainage and filling up of ponds on

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

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

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

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

27 (a) A city may not require a business to be licensed based solely
28 upon registration under or compliance with the streamlined sales and
29 use tax agreement.

30 (b) A city may not require a business to be licensed if the only
31 activity conducted within the city by the business is the delivery,
32 including delivery by common carrier and delivery by the business's own
33 vehicle, of tangible personal property sold by the business;

34 (33) To regulate the carrying on within its corporate limits of all
35 occupations which are of such a nature as to affect the public health
36 or the good order of said city, or to disturb the public peace, and
37 which are not prohibited by law, and to provide for the punishment of

1 all persons violating such regulations, and of all persons who
2 knowingly permit the same to be violated in any building or upon any
3 premises owned or controlled by them;

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

6 (35) To provide for the punishment of all disorderly conduct, and
7 of all practices dangerous to public health or safety, and to make all
8 regulations necessary for the preservation of public morality, health,
9 peace, and good order within its limits, and to provide for the arrest,
10 trial, and punishment of all persons charged with violating any of the
11 ordinances of said city. The punishment (~~shall~~) may not exceed a
12 fine of five thousand dollars or imprisonment in the city jail for one
13 year, or both such fine and imprisonment. The punishment for any
14 criminal ordinance (~~shall~~) must be the same as the punishment
15 provided in state law for the same crime. Such cities alternatively
16 may provide that violations of ordinances constitute a civil violation
17 subject to monetary penalties, but no act which is a state crime may be
18 made a civil violation;

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

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

25 **Sec. 2.** RCW 35.23.440 and 2009 c 549 s 2053 are each amended to
26 read as follows:

27 The city council of each second-class city (~~shall have~~) has power
28 and authority:

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

35 (2) License of shows: To fix and collect a license tax, for the
36 purposes of revenue and regulation, on theatres, melodeons, balls,
37 concerts, dances, theatrical, circus, or other performances, and all

1 performances where an admission fee is charged, or which may be held in
2 any house or place where wines or liquors are sold to the
3 participators; also all shows, billiard tables, pool tables, bowling
4 alleys, exhibitions, or amusements.

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

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

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

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

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

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

34 (a) A city may not require a business to be licensed based solely
35 upon registration under or compliance with the streamlined sales and
36 use tax agreement.

37 (b) A city may not require a business to be licensed if the only

1 activity conducted within the city by the business is the delivery,
2 including delivery by common carrier and delivery by the business's own
3 vehicle, of tangible personal property sold by the business.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (31) Examine official accounts: To examine, either in open session
24 or by committee, the accounts or doings of all officers or other
25 persons having the care, management, or disposition of moneys,
26 property, or business of the city.

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

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

1 purposes; to establish a uniform grade for streets, avenues, sidewalks,
2 and squares, and to enforce the observance thereof.

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

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

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

21 (37) Franchises: To permit the use of the streets for railroad or
22 other public service purposes.

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

27 (39) Weighing of fuel: To regulate the sale of coal and wood in
28 such city, and may appoint a measurer of wood and weigher of coal for
29 the city, and define his or her duties, and may prescribe his or her
30 term of office, and the fees he or she (~~shall~~) receives for his or
31 her services(~~(:—PROVIDED, That such fees shall)~~). However, in all
32 cases the fees must be paid by the parties requiring such service.

33 (40) Hospitals, etc.: To erect and establish hospitals and
34 pesthouses and to control and regulate the same.

35 (41) Waterworks: To provide for the erection, purchase, or
36 otherwise acquiring of waterworks within or without the corporate
37 limits of the city to supply such city and its inhabitants with water,
38 and to regulate and control the use and price of the water so supplied.

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

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

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

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

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

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

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

35 (49) Fire limits: To establish fire limits with proper regulations
36 and to make all needful regulations for the erection and maintenance of
37 buildings or other structures within the corporate limits as safety of
38 persons or property may require, and to cause all such buildings and

1 places as may from any cause be in a dangerous state to be put in a
2 safe condition; to regulate the manner in which stone, brick, and other
3 buildings, party walls, and partition fences (~~shall be~~) are
4 constructed and maintained.

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

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

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

27 (53) To provide for the general welfare.

28 **Sec. 3.** RCW 35.27.370 and 2008 c 129 s 3 are each amended to read
29 as follows:

30 The council of said town (~~shall have~~) has power:

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

33 (2) To purchase, lease or receive such real estate and personal
34 property as may be necessary or proper for municipal purposes, and to
35 control, dispose of and convey the same for the benefit of the town; to
36 acquire, own, and hold real estate for cemetery purposes either within
37 or without the corporate limits, to sell and dispose of such real

1 estate, to plat or replat such real estate into cemetery lots and to
2 sell and dispose of any and all lots therein, and to operate, improve
3 and maintain the same as a cemetery;

4 (3) To contract for supplying the town with water for municipal
5 purposes, or to acquire, construct, repair and manage pumps, aqueducts,
6 reservoirs, or other works necessary or proper for supplying water for
7 use of such town or its inhabitants, or for irrigating purposes
8 therein;

9 (4) To establish, build and repair bridges, to establish, lay out,
10 alter, widen, extend, keep open, improve, and repair streets,
11 sidewalks, alleys, squares and other public highways and places within
12 the town, and to drain, sprinkle and light the same; to remove all
13 obstructions therefrom; to establish the grades thereof; to grade,
14 pave, plank, macadamize, gravel and curb the same, in whole or in part,
15 and to construct gutters, culverts, sidewalks and crosswalks therein,
16 or on any part thereof; to cause to be planted, set out and cultivated
17 trees therein, and generally to manage and control all such highways
18 and places;

19 (5) To establish, construct and maintain drains and sewers, and
20 (~~shall~~) have power to compel all property owners on streets along
21 which sewers are constructed to make proper connections therewith, and
22 to use the same for proper purposes when such property is improved by
23 the erection thereon of a building or buildings; and in case the owners
24 of (~~such~~) the improved property on such streets (~~shall~~) fail to
25 make such connections within the time fixed by such council, they may
26 cause such connections to be made, and to assess against the property
27 in front of which such connections are made the costs and expenses
28 thereof;

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

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

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

37 (9) To license, for purposes of regulation and revenue, all and
38 every kind of business, authorized by law and transacted and carried on

1 in such town; and all shows, exhibitions and lawful games carried on
2 therein and within one mile of the corporate limits thereof; to fix the
3 rate of license tax upon the same, and to provide for the collection of
4 the same, by suit or otherwise; to regulate, restrain, or prohibit the
5 running at large of any and all domestic animals within the city
6 limits, or any part or parts thereof, and to regulate the keeping of
7 such animals within any part of the city; to establish, maintain and
8 regulate a common pound for estrays, and to appoint a poundkeeper, who
9 shall be paid out of the fines and fees imposed on, and collected from,
10 the owners of any impounded stock.

11 (a) A ((city)) town may not require a business to be licensed based
12 solely upon registration under or compliance with the streamlined sales
13 and use tax agreement.

14 (b) A town may not require a business to be licensed if the only
15 activity conducted within the town by the business is the delivery,
16 including delivery by common carrier and delivery by the business's own
17 vehicle, of tangible personal property sold by the business;

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

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

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

34 (13) To punish the keepers and inmates and lessors of houses of ill
35 fame, and keepers and lessors of gambling houses and rooms and other
36 places where gambling is carried on or permitted, gamblers and keepers
37 of gambling tables;

1 (14) To impose fines, penalties and forfeitures for any and all
2 violations of ordinances, and for any breach or violation of any
3 ordinance, to fix the penalty by fine or imprisonment, or both; but no
4 such fine (~~shall~~) may exceed five thousand dollars, nor the term of
5 imprisonment exceed one year, except that the punishment for any
6 criminal ordinance (~~shall~~) must be the same as the punishment
7 provided in state law for the same crime; or to provide that violations
8 of ordinances constitute a civil violation subject to a monetary
9 penalty, but no act which is a state crime may be made a civil
10 violation;

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

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

20 **Sec. 4.** RCW 35.102.050 and 2008 c 129 s 4 are each amended to read
21 as follows:

22 (1) A city may not impose a business and occupation tax on a person
23 unless that person has nexus with the city. For the purposes of this
24 section, the term "nexus" means business activities conducted by a
25 person sufficient to subject that person to the taxing jurisdiction of
26 a city under the standards established for interstate commerce under
27 the commerce clause of the United States Constitution.

28 (2) Mere registration under or compliance with the streamlined
29 sales and use tax agreement does not constitute nexus for the purposes
30 of this section.

31 (3) A city may not impose a business and occupation tax on a person
32 if the only activity conducted within the city by the person is the
33 delivery, including delivery by common carrier and delivery by the
34 person's own vehicle, of tangible personal property sold by the person.

35 **Sec. 5.** RCW 35A.21.335 and 2008 c 129 s 5 are each amended to read
36 as follows:

1 A code city may not require a business to be licensed based solely
2 upon registration under or compliance with the streamlined sales and
3 use tax agreement. A code city may not require a business to be
4 licensed if the only activity conducted within the code city by the
5 business is the delivery, including delivery by common carrier and
6 delivery by the business's own vehicle, of tangible personal property
7 sold by the business.

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