

L A W S

OF

WASHINGTON TERRITORY,

ENACTED BY THE

LEGISLATIVE ASSEMBLY

IN THE YEAR 1881.

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AN ACT

TO INCORPORATE THE CITY OF PORT TOWNSEND.

CHAPTER I.

THE BOUNDARIES AND INCORPORATION OF THE CITY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the city of Port Townsend shall be bounded as follows: Beginning at Point Hudson, in Jefferson county, Washington Territory, at low tide, thence northerly, along low tide, to the north-line of Seventh street, that being the north-east corner of Al. Pettygrove's addition to the town, now city, of Port Townsend. Thence westerly along said Seventh St. to D street in said addition. Thence southerly along D street to 3rd street. Thence westerly along 3rd street to K St. Thence along K street to the county road. Thence along the north side of the county road to the corner post between the donation claims of Pettygrove and Plummer. Thence southerly along said donation line to Lawrence street of the city of Port Townsend. Thence westerly along Lawrence street to the east side of Pierce street, (old plat). Thence southerly on said east line to the middle of Port Townsend bay. Thence at a right angle easterly to a point south of Point Hudson. Thence northerly to the place of beginning. And all that part of Jefferson county, Washington Territory, included within said lines to be known as the city of Port Townsend.

SEC. 2. The inhabitants within the city of Port Townsend are hereby constituted and declared to be a municipal corporation, by the name and style of the "City of Port Townsend," and by that name shall have perpetual succession, and may sue or be sued, plead or be impleaded, in all courts of justice, contract and be contracted with; acquire, hold, sell and convey property, real and personal, and have and use a common seal, and alter the same at pleasure.

CHAPTER II.

POWERS OF THE CORPORATION.

SEC. 3. The city of Port Townsend has power to assess, levy and collect taxes for general municipal purposes, not to

exceed two-fifths per centum per annum upon all property, both real and personal within the city, which is by law taxable for Territorial and county purposes, and to levy and collect special taxes as hereinafter provided. But all taxes for general and special municipal purposes, exclusive of assessments for improvements, as hereinafter provided in sections eight, nine and eleven, shall not in any year exceed one and one-half per centum on the property assessed.

SEC. 4. The city of Port Townsend has power to make regulations for prevention of accidents by fire, to organize and establish a fire department, ordain rules for the government of the same, to provide fire engines and other apparatus; and a sufficient supply of water, and to levy and collect special taxes for these purposes, not to exceed in any year one-fifth of one per centum upon the taxable property within the city. And on petition of the owners of one-half of the ground included within any prescribed limits within the city, to prohibit the erection within such limits of any building, or any addition to any building, unless the outer walls thereof be made of brick and mortar, or iron, or stone and mortar, and to provide for the removal of any building, or any addition erected contrary to any such prohibition.

SEC. 5. The city of Port Townsend has power to purchase or condemn and enter upon, and take any lands within or without its territorial limits for public squares, streets, parks, commons, cemeteries, hospital grounds, or to be used for work-houses or houses of correction, or any other proper and legitimate municipal purpose, and to inclose, ornament and improve the same, and to erect necessary public buildings thereon, and for these purposes may levy and collect special taxes not exceeding one-fifth per centum in any year. The city marshal shall have entire control of all such buildings and all lands purchased or condemned under the provisions of this section, and of all streets, highways, squares and other public grounds within its limits, established or appropriated to public use by authority of law, or which have been or may be hereafter dedicated to public use by any person or persons; and has power, in case such lands are deemed unsuitable or insufficient for the purpose intended, to dispose of and convey the same, and conveyances of such property, executed in the manner that may be prescribed by ordinance, shall be held to extinguish all rights and claims of said city, or the public, existing prior to such conveyance. But when such lands are so disposed of and conveyed, enough thereof shall be reserved for streets to accommodate adjoining property owners.

SEC. 6. The city of Port Townsend has power to provide for the lighting of the streets, and furnishing the city with gas

or lights, and for the erection and construction of such works as may be necessary or convenient therefor; and has power to levy and collect for these objects, a special tax not exceeding one-fifth of one per centum per annum upon the taxable property within the limits of the benefits of such lights, which limits shall be fixed by the city council each year, before levying any tax authorized by this section, and all such taxes shall only be assessed upon and collected from property within said limits.

SEC. 7. The city of Port Townsend has power to provide for clearing, opening, graveling, improving and repairing of streets, highways and alleys, and for the prevention and removal of all obstructions therefrom, or from any cross or sidewalk; also to regulate cellar ways and cellar lights in sidewalks within the city; and to provide for clearing the streets; also for constructing sewers, and cleaning and repairing the same; and has power to assess, levy and collect, each year, a road poll tax of not less than four nor more than six dollars on every male inhabitant of the city, between the ages of twenty-one and fifty years, except persons that are a public charge; also a special tax on property of not less than two nor more than four mills on every dollar's worth of property within the city; which taxes shall all be expended for the purposes specified in this section; and the officers of Jefferson county shall not levy or collect any road tax upon the inhabitants or property within the city of Port Townsend.

SEC. 8. The city of Port Townsend has power to construct and repair sidewalks, and to curb, pave, grade, macadamize and gutter any street, highway or alley therein, and to levy and collect a special tax, or assessment, on the lots and parcels of land fronting on such street, highway or alley, sufficient to pay the expense of such improvement; but unless the owners of more than one-half of the property subject to assessment for such improvement petition the council to make the same, such improvement shall not be made, until at least five members of the council by vote assent to the making of the same.

SEC. 9. The city of Port Townsend has power to cause any lot of land within its limits on which water at any time becomes stagnant to be drained or filled up; and to cause any vault within the city to be cleaned when necessary; and in case of failure or refusal of the owner of any such property to comply with the requirements of any ordinance or resolution of the city council with reference to such matters, after such notice as in such ordinance or resolution may be prescribed, the work necessary may be done at the expense of the city, and the amount so expended shall be assessed as a tax upon such property, and shall be collected as other assessments.

SEC. 10. The city of Port Townsend has power, by general ordinance to prescribe the mode in which the charge on the respective owners of lots or land, and on the lots or lands shall be assessed and determined for the purposes authorized by this act; such charge, when assessed, shall be payable by the owner or owners at the time of the assessment, personally, and shall also be a lien upon the respective lots or parcels of land from the time of the assessments. Such charge may be collected, and such lien may be enforced by a proceeding in law, or in equity, either in the name of the city of Port Townsend, or of the officer to whom it shall have directed payment to be made. In any such proceedings, where pleadings are required, it shall be sufficient to declare generally for work and labor done, and materials furnished, on the particular lot or parcel of land, or street, highway or alley. In any such proceeding, where the court trying the same shall be satisfied that the work has been done, or materials furnished, which, according to the true intent and meaning of this act, would be properly chargeable upon the lot or land, through, or by which the street, highway or alley improved or repaired may pass, a recovery shall be permitted, or a charge enforced to the extent of the proper portion of the value of the work or materials which should be chargeable on such lot or land, notwithstanding any informality, irregularity and defect in the proceedings of the officers of the city; but in such case the court may adjudge as to costs as may be deemed proper; and in cases where an assessment shall have been regularly made, and payment shall have been neglected or refused at the time when the same was required, the city shall be entitled to demand and recover, in addition to the amount assessed and interest thereon at ten per cent. per annum from the time of the assessment, five per cent. to defray the expenses of collection, which shall be included in any judgment or decree, which may be rendered.

SEC. 11. The city of Port Townsend has power to provide for the survey of the blocks and streets of the city and for making and establishing the boundary lines of such blocks and streets, and to establish the grades of all streets within the city, and to lay off, widen, straighten, narrow, change, extend, vacate and establish streets, highways and alleys, and all public grounds; and to provide for the condemnation of such real estate as may be necessary for such purposes; and to levy and collect assessments upon all property benefited by any change or improvement authorized by this section, sufficient to make compensation for all property condemned or damaged, and to authorize or forbid the location and laying down of tracks for railways and street railways, on all streets, alleys and public places, but no railway track can thus be located and laid down until after the injury to property abutting upon the street,

alley or public place upon which said track is proposed to be located and laid down, has been ascertained and compensated in the manner provided for compensation of injuries arising from re-grade of streets in section 106, of this act.

SEC. 12. The city of Port Townsend has power to erect and maintain water-works, or to authorize the erection of the same, for the purpose of furnishing the city with a sufficient supply of water, but no such works shall be erected by the city until a majority of the voters of the city, at a general or special election, shall vote for the same.

SEC. 13. The city of Port Townsend has power to construct, or authorize the construction of such water-works, without the limits of the city; and for the purpose of maintaining and protecting the same from injury, and the water from pollution, its jurisdiction shall extend over the territory occupied by such works and all reservoirs, streams, trenches, pipes and drains used in, and necessary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken, for five miles above the point from which it is taken; and to enact all ordinances and regulations necessary to carry the power herein conferred into effect.

SEC. 14. If the right to construct and operate such water-works is granted to private individuals, or corporated companies by the city of Port Townsend, it may make such grant to inure for a term of not more than twenty-five years; and may authorize such individual or company to charge and collect from each person supplied by them with water, such water rent as may be agreed upon between said person or corporation so building such works, and said city, and the city of Port Townsend is authorized and empowered to enter into a contract with the individual or company constructing such works to supply the city with water for fire purposes and for such other purposes as may be necessary for the health and safety thereof, and to pay therefor such sum or sums as may be agreed upon between said contracting parties.

SEC. 15. The city of Port Townsend is hereby authorized and empowered to condemn and appropriate so much private property as shall be necessary for the construction and operation of such water-works; and if it shall authorize the construction and operation thereof by individuals, or private corporations, it may confer, by ordinance, upon such person or persons, or corporation, the said power to take and appropriate private property for such purpose.

SEC. 16. The city of Port Townsend shall have power, at the regular term for levying taxes in any year, to levy and collect a special tax, not exceeding one-half of one per centum

upon the taxable property within the limits prescribed as herin-after provided, for the purpose of constructing such water-works: *Provided*, No such tax shall be levied for the purpose of aiding any private individual or corporation; and when such works shall have been constructed, the city of Port Townsend shall have power to assess and collect, from time to time, in such manner as the city council may deem equitable, from each tenement, or other place supplied with water, such water rent as may be deemed reasonable; and at the regular time for levying taxes in each year, to levy and collect, in addition to the taxes already authorized by this section, a special tax on taxable property within the limits prescribed as hereinafter provided, sufficient with the water rents hereby authorized, to pay the expenses of running and operating such works, and if the right to build, maintain and operate such water-works shall be granted to private individuals or corporations by the city; and the city shall contract with such individuals or corporation for a supply of water for any purpose said city shall levy and collect each year a special tax sufficient to pay off such water rent to such individual or company, provided that said taxes shall not exceed one-half of one per centum upon the taxable property within the limits of the benefits and protection of such work, which limits shall be fixed by the city council each year, before levying any tax authorized by this section. And all such taxes shall only be assessed upon and collected from property within said limits.

SEC. 17. The city of Port Townsend has power to make regulations to prevent the introduction of contagious diseases into the city, to remove persons affected with such or other diseases therefrom to suitable hospitals provided by the city for that purpose; to provide for the restraint and employment of vagrants; to restrain and punish any disturbance, or any unlawful or indecent practice.

SEC. 18. The city of Port Townsend has power to make regulations and pass ordinances preventing domestic and other animals from running at large; and to license, tax, regulate and restrain the keeping of dogs within the city limits, and to authorize the distraining, impounding and sale of the same for the penalty incurred, and costs of proceedings, or may authorize their destruction.

SEC. 19. The city of Port Townsend has power to regulate, license and tax, all carts, wagons, drays, coaches, omnibuses, and every description of carriage which may be kept for hire, and to fix the rates thereof; to license, tax and regulate, or prohibit, theatricals, shows and other exhibitions and public amusements; and to license, tax and regulate auctioneers, hawkers, peddlers, brokers, pawnbrokers and all offensive or noxious

trades or occupations, and within the limits of said city, shall have power to tax, license, regulate and restrain barrooms, saloons, and all houses or places where liquors are sold or disposed of in quantities of less than one gallon, and all houses or places where wines or spirituous liquors are sold or disposed of at wholesale or in quantities of one or more gallons; also all billiard tables, pigeon hole, Jenny Lind, or other gaming tables kept for hire within the city; and any person or persons who shall keep any billiard table or tables, pigeon hole, Jenny Lind or other gaming table or tables in a drinking saloon or house, or in a room or building adjoining or attached thereto, and shall allow the same to be used by two or more persons to determine by play thereon which of the persons so playing shall pay for drinks, cigars or other articles for sale in such saloon or drinking house, shall, within the meaning of this act, be deemed to be keeping the same for hire: *Provided*, The sale by apothecaries or druggists of spirituous, malt or fermented liquors or wine for medical purposes upon the prescription of a practicing physician shall not be restricted, and no license shall be required therefor. No law, or part thereof, authorizing any tribunal or officer of Jefferson county to grant licenses for any such house or places or business enumerated in this section, shall apply or be held to authorize the granting of such licenses within said city by county officers, and all such licenses paid to the city shall be in lieu of the licenses required and specified by the general laws of the Territory for similar houses of business; and the sum required for such license shall be the same as the amount required by the general laws of the Territory for houses or businesses of like character, and shall be paid to said city, and bonds required to be given by keepers of saloons or drinking houses shall be upon the same terms, and for like amounts as required by said general laws and shall be made payable to said city: *Providing*, Fifty per cent. of all moneys received for liquor licenses shall be paid into the general school fund of Jefferson county. And twenty-five per cent. of all such money shall be paid into the county treasury to be used for county purposes.

SEC. 20. The city of Port Townsend has power to establish and maintain a day and night police, or either of them, and to provide for the election or appointment of such number of police officers as may be necessary, which officers shall have full power to make arrests with or without warrants within the limits of the city, to summon aid, and to exercise all other powers necessary and requisite for the prevention of crime or apprehension of offenders.

SEC. 21. The city of Port Townsend has power to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, and to cause any nuisance to be abated; to restrain dis-

orderly houses, houses of ill-fame, or gambling houses; to regulate the transportation and keeping of gunpowder, or other combustibles, and to provide or license magazines for the same; to prevent and punish fast or immoderate riding or driving of horses through the streets; to regulate the speed of trains, and locomotives on railways over the streets or through the limits of the city. To prevent any riots, noise, disturbance or disorderly assemblages, and to protect the property of the corporation and its inhabitants, and to preserve peace and order therein.

SEC. 22. The city of Port Townsend has power to regulate the burial of the dead, and to prevent any interments within the limits of the city, and to cause any body interred contrary to such prohibition to be taken up and buried without the limits of the city.

SEC. 23. The city of Port Townsend has power to establish and regulate markets; to provide for the measuring or weighing of hay, coal or any other article of sale.

SEC. 24. The city of Port Townsend has power to borrow money on the credit of the city for any purpose within the authority of the corporation, including the payment of any existing debt. But the indebtedness of the city must never exceed in the aggregate the sum of five thousand dollars, and any debt or liability incurred in excess of said five thousand dollars shall be invalid and void.

SEC. 25. The city of Port Townsend has power to adopt proper ordinances for the government of the city, and to carry into effect the powers given by this act; and to provide for the punishment of a violation of any ordinance of the city by a fine not exceeding one hundred dollars, or imprisonment for not more than thirty days, or both, or by forfeiture or penalty not exceeding one hundred dollars, and for working any person sentenced to such imprisonment or committed in default of payment of any such fine, upon the street or public squares during the term thereof.

SEC. 26. The city of Port Townsend has exclusive power to make harbor regulations and rules, to assess and collect harbor dues from all vessels and water craft arriving at or departing from the city; to license and tax wharfingers; and to build, construct and regulate wharves, piers and landing places at the foot of any street terminating at the shore of Port Townsend bay.

SEC. 27. The city of Port Townsend has power to establish and regulate the fees and compensation of all its officers, except when otherwise provided; and has such other powers and privileges not herein specifically enumerated as are incident to municipal corporations of like character and degree, not incon-