

L A W S

OF

WASHINGTON TERRITORY,

ENACTED BY THE

LEGISLATIVE ASSEMBLY

IN THE YEAR 1881.

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such officers' bonds, and unless such officers file with the common council, the requisite bond within ten days after such meeting, then the respective offices shall be declared vacant, and the said common council shall elect other officers to fill such vacancies. The common council shall also, at said meeting, fix the fees or compensation of the officers by this act created.

Approved Dec. 1st, 1881.

AN ACT

TO CONFER A CITY GOVERNMENT UPON NEW TACOMA.

CHAPTER I.

OF THE BOUNDARIES AND INCORPORATION OF THE CITY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the inhabitants of New Tacoma, Pierce county, Washington Territory, and their successors, within the limits hereinafter prescribed, are hereby constituted and declared to be a city corporation by the name and style of New Tacoma, and by such name shall have perpetual succession, sue and be sued, plead and be impleaded in all courts of justice, and in all actions, suits or proceedings whatever; may purchase, hold and receive property, both real and personal, within said city, for public buildings, public works and city improvements; may lease, sell or dispose of the same for the benefit of the city; may purchase, hold and receive property, both real and personal, beyond the limits of the city, to be used for city parks, for burial purposes, for the establishment and maintenance of a hospital for the reception of persons affected with contagious or other diseases, for work-houses, and for houses of correction; also, for the erection of water works to supply the city with water, and may control, lease, sell or dispose of the same for the benefit of the city; and they shall have and use a common seal, and may alter or break the same, or make a new one at pleasure.

SEC. 2. The corporate limits of New Tacoma shall be as follows: Commencing at the northwest corner of section five (5) in township twenty (20) north, of range 3 east; thence south along the west line of sections five (5) and eight (8) in said

township four hundred and eighty (480) rods to the southwest corner of the northwest one-quarter of said section eight (8); thence east four hundred and eighty rods to the center of section nine (9), township twenty north, of range 3 east; thence north to half or mean tide on Commencement Bay; thence in a northwesterly direction along the meanderings of said Bay to the section line dividing sections twenty-nine (29) and thirty-two in township twenty-one (21) north, of range 3 east; thence west to the northeast corner of the northwest one-quarter of the northwest one-quarter of section thirty-two (32) township twenty-one (21) north, of range 3 east; thence south three hundred and twenty rods to the Fifth Standard Parallel, and thence west to the place of beginning.

SEC. 3. The corporate city limits aforesaid shall not be included within any road district, nor shall the county commissioners of Pierce county have any jurisdiction over the expenditure of road tax collected therein; and so much of any county public road as lies within said corporate limits, shall be kept in repair by the council of said city. But the said council may by ordinance vacate said road or parts thereof, and conform the same to opened and established streets. Said city shall be a separate and independent road district under the exclusive control of the said city corporation. All road taxes, whether road poll or road property taxes, levied, assessed or collected by virtue of the general road and revenue laws of the Territory of Washington, within the corporate limits of said city, shall belong to said city, and be expended therein under the authority and direction of the common council thereof, upon county roads or parts thereof lying within said city limits and upon the streets and alleys of said city. The rate of taxation for road purposes shall be ascertained and be the same as fixed or levied for road purposes under the general laws of the Territory, but the time for demanding and collecting the same, whether road poll or road property taxes, shall be as prescribed by city ordinances. To secure to said city the full enjoyment of said road fund or tax, the city assessor may be authorized by ordinance at any time to make a full list of all persons within said city limits liable to road tax, both poll and property, and the road poll tax may be demanded and collected at such time as shall be fixed by ordinance. As soon as the annual assessment shall have been returned and corrected, and filed with the county auditor of Pierce county, it shall be the duty of the city clerk to present said road list to the said county auditor, who, at the cost and expense of said city, shall transcribe to said list the assessed value of all taxable property within said city and the amount of road property tax due thereupon within said city limits. Said property road tax may forthwith be demanded, collected and disbursed as aforesaid, within said city limits, in accordance with city ordin-

nances directing the appropriation of said road fund. The city may appropriate from its general municipal fund money to aid in the opening of streets or work upon roads or bridges within city limits, but the said city shall not be entitled to receive from the county of Pierce any appropriation of county funds in aid of roads or bridges within the corporate limits of said city. Delinquent road taxes due within said city are collected as other delinquent road taxes are collected under the general laws of the Territory; and all road taxes, whether road poll or road property, levied or assessed within said city limits, paid to the county treasurer when other taxes are paid, or collected as delinquent or redeemed delinquent taxes, less the commissions for, or expenses of collecting, shall be paid by said county treasurer to the city treasurer on demand made by the latter.

CHAPTER II.

OF THE GOVERNMENT OF THE CITY.

SEC. 4. The power and authority given to the city government of New Tacoma by this act shall be vested in a mayor and common council, together with such other officers as are in this act constituted or may be created under its authority.

SEC. 5. For the purposes of municipal representation said New Tacoma is hereby divided into two wards, designated and bounded as follows: First ward shall include all that part of the said city lying and being north of South Ninth street; and second ward, all that part of the city lying and being south of said South Ninth street.

SEC. 6. Each ward herein established, and any additional ward that may be hereafter established, is and shall be entitled to elect three members of the common council. At the municipal election in 1882, each ward shall elect three common councilmen, designating upon their ballots, one to serve for one year, one to serve for two years, and one to serve for three years. And at every succeeding municipal election thereafter, there shall be elected from each of said wards one councilman to serve for the term of three years.

SEC. 7. The mayor shall be elected for two years, and shall hold his office until his successor is elected and qualified.

SEC. 8. There shall be elected as hereinafter provided, a committing magistrate, marshal, clerk, attorney, treasurer, health officer, city surveyor, street commissioner, harbor mas-

ter, assessor and collector, who shall be officers of the municipal corporation. The marshal shall be elected by the qualified voters of the corporation, and shall hold his office for one year, or until his successor is elected and qualified. The common council shall annually, at the first regular meeting thereof, after the qualification of the new members elected at each annual city election, designate one of the justices of the peace for the precinct including said city, who shall have been duly elected and qualified as required by law, committing magistrate of the city; said committing magistrate shall have jurisdiction over all offenses defined by any ordinance of the city, and all actions brought to enforce any penalty imposed by any such ordinances, and full power and authority to hear and determine all causes, civil and criminal, arising under such ordinances. All civil and criminal proceedings before such committing magistrate, under and by authority of this act, shall be governed and regulated by the general laws of the Territory, relating to justices of the peace and to their practice and jurisdiction, and shall be subject to review in the district court, by *certiorari* or appeal, the same as other cases. The attorney, clerk, treasurer, health officer, surveyor, street commissioner, harbor master and the assessor and collector shall be elected by the common council at the meeting above specified, and they shall be liable, at any time, to be removed by the council for malfeasance, misfeasance, inattention or incompetency. Nothing in this section contained shall be construed as prohibiting the election of one and the same person to two or more of said offices, where the duties of such are not incompatible.

SEC. 9. No person is eligible to any office in the municipal corporation who, at the time of his election or appointment is not an elector according to the laws of the Territory, and who has not resided in the city for the six months next preceding such election or appointment. Nor shall any person be eligible to the common council, except he be a resident of the ward at the time he is chosen; removal from the ward for which he was elected shall disqualify him as a member of the common council.

CHAPTER III.

OF ELECTIONS.

SEC. 10. The annual municipal election for officers required to be elected under this act shall be held on the first Monday of May of each and every year.

SEC. 11. No person shall be entitled to vote at any municipal election, annual or special, who is not a qualified elector, for Territorial and county officers according to the law of the Territory of Washington, and who shall not have resided in said city for the six months next preceding the day of election.

SEC. 12. That at all elections for city officers the vote shall be by ballot at the time and place designated by the common council. The council shall designate one place in each ward for holding the election therein, and appoint three judges and two clerks of election for each ward.

SEC. 13. The city clerk, under the direction of the council, shall give ten days' notice, by posting the same in at least two public places in each ward of the city, or by publication in some newspaper published in said city of such municipal election, the officers to be elected, the place designated for holding the election and the judges and clerks appointed to conduct the same.

SEC. 14. All elections shall commence at ten o'clock A. M. and continue until seven o'clock P. M. of the same day, without closing the polls. If any judge of election fails to attend at the proper time, the voters of the ward, then present, may elect another in his place; and if any clerk of election fails to attend at the proper time, the judges of election may appoint another in his place. The mayor and marshal shall each be elected by the qualified electors of the whole city, and the councilman by the qualified voters of each ward from which chosen.

SEC. 15. Judges and clerks of election must possess the qualifications of voters in the ward where they act as such, but a mistake or error in this respect, or a failure to give the notice required by section 13, shall not invalidate any election otherwise legal.

SEC. 16. On the first regular meeting of the council next after such election the returns thereof shall be canvassed by the city council, and the written statement of such canvass shall be made and signed by the presiding officer of the council and attested by the clerk, and immediately filed with the clerk. Such written statement of the canvass shall contain the whole number of votes given at such election, the number given for any person for any office, and the names of persons elected, and to what office.

SEC. 17. After such statement of the canvass is filed, the clerk shall make and sign within two days thereafter, a certificate of election for each person declared thereby to be elected, and deliver the same to him on demand.

SEC. 18. A certificate of election is *prima facie* evidence

of the facts therein stated, but the council is the final judge of the qualifications and election of the mayor and its own members; a contested election for any other office must be determined according to the laws of the Territory, regulating proceedings in contested elections for county officers.

SEC. 19. The term of office of every person elected to office under this act, shall commence on the tenth day after the canvass of the election returns by the council, and terminate accordingly except as otherwise provided by this act; and by such time such person must qualify by taking and filing the oath of office, and give such official bond for the faithful performance of his duties as may be required, or he shall be deemed to have declined and the office shall be considered vacant.

SEC. 20. All officers elected under this act, before entering upon the duties of their office, must take and file with the clerk, an oath of office to the following effect: "I, A. B., do solemnly (swear or affirm) that I will support the Constitution of the United States and the organic Act of this Territory, and that I will, to the best of my ability, faithfully perform the duties of the office—, during my continuance therein. So help me God." If the person affirms, instead of the last clause there must be added: "and this I promise under the pains and penalties of perjury."

SEC. 21. All laws of this Territory regulating and governing general elections and proceedings, and matters incidental thereto, shall apply to and govern elections under this act, except as herein otherwise provided.

CHAPTER IV.

VACANCIES IN OFFICE.

SEC. 22. An office becomes vacant upon the death or resignation of the incumbent, or failure to qualify as required; the office of mayor, clerk, treasurer, assessor and collector shall be deemed vacant whenever the incumbent thereof shall be absent, without leave of council, from the city for a period of sixty days; the office of marshal and the committing magistrate shall be deemed vacant whenever the incumbent shall be absent from the city, without leave of council, for the period of twenty days; the office of the councilmen shall be deemed vacant whenever an incumbent shall fail to attend six regular consecutive meetings of the council, unless absent upon leave of the council, first obtained, or when he shall remove from or cease to be a resident of the ward for which elected.

SEC. 23. A vacancy in any office shall be filled by the council at a regular meeting. The common council shall fill any vacancy existing at the time of the approval of this act.

SEC. 24. An officer appointed to fill a vacancy must, within five days after being notified of the appointment by the clerk, qualify therefor, as in the case of an officer elected, or he shall be deemed to have declined, and the office be considered vacant.

CHAPTER V.

OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 25. The city council shall possess all the legislative powers granted by this act, and all other corporate powers of the city, not herein or by some ordinance of the city, conferred on some other officer.

SEC. 26. The council must provide for the time and place of its regular meetings, at any of which it may adjourn to the next regular meeting, or to some time prior thereto, and it may be convened by the mayor at any time, upon a day's notice given to each of the members.

SEC. 27. A majority of the members of the council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time, and compel the attendance of absent members.

SEC. 28. The council may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal of its proceedings, and on the call of any one of its members, must cause the yeas and nays to be taken and entered in its journal, upon any question before it; but upon a question to adjourn the yeas and nays shall not be taken, unless upon the call of four members. Its deliberations and proceedings must be public.

SEC. 29. The council may punish any member for disorderly or improper conduct at any meeting, or for refusing or neglecting to attend any regular meeting without sufficient excuse therefor, and may by a two-thirds vote expel a member.

SEC. 30. The mayor is *ex-officio* president of the council, and presides over its deliberations when in session. He is not entitled to vote, except in cases of a tie, when he may give the casting vote; he shall preserve order, enforce the rules of the

council, and determine the order of business subject to such rules and to an appeal to the council. If the mayor should be absent at any meeting of the council, the council must appoint one of their own number president, to serve during the meeting or until the mayor attends.

SEC. 31. On the tenth day next following the annual municipal election, there must be a regular meeting of the council; and such meeting is appointed by this act, and no notice thereof or call therefor is necessary.

SEC. 32. A majority of the whole number constituting the council, as then provided by law, is a majority of the council or members thereof, within the meaning of this act. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter other than the final passage of an ordinance.

SEC. 33. The style of every ordinance shall be, "The common council of New Tacoma does ordain as follows."

CHAPTER VI.

POWERS OF THE CORPORATION.

SEC. 34. The city government of New Tacoma, within its incorporated limits, has power and authority:

1. To assess, levy and collect taxes for general municipal purposes, not to exceed one-half of one per centum per annum, upon all property, both real and personal, within the city, which is by law taxable for Territorial and county purposes;

2. To make regulations for prevention of accidents by fire, to organize and establish a fire department; ordain rules for government of the same; to provide fire engines, and other apparatus, and a sufficient supply of water;

3. To purchase or condemn and enter upon and take any lands within or without the corporate 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 enclose, ornament and improve the same, and to erect necessary public buildings thereon. The city shall have entire control of all such buildings, and all lands purchased or condemned under the provisions of this subdivision, 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 purposes 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;

4. To provide for the lighting of the streets and furnishing the city with gas or lights, and for the erection or construction of such works as may be necessary or convenient therefor;

5. To provide for clearing, opening, graveling, improving and repairing of streets and highways and alleys; and for the prevention and removal of all obstructions therefrom, or from any crossing or sidewalk; also to regulate cellar ways and cellar lights on sidewalks within the city; and to provide for clearing the streets; also for constructing sewers and clearing and repairing the same;

6. To construct and repair sidewalks, and to curb, pave, grade, macadamize and gutter any street, highway or alley therein, at the cost and expense of the owners of the lots and parcels of land fronting on such street, highway or alley. But unless the owners of more than one-half of the property, fronting upon the proposed improvements upon such street, highway or alley shall have petitioned the Council to make the same, such improvement shall not be made;

7. 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 by the city at the expense of the owner, and the amount collected by action, in the name of the city, in any court having jurisdiction;

8. To prescribe by an ordinance the mode by which the charge on the respective owners of lots or lands shall be determined for the purposes authorized by this Act. Such charge may be collected by civil action in the name of the city. In such proceedings it shall be sufficient to declare generally for work and labor done and materials furnished on the particular lot, parcel of land, street, highway or alley. If the court try-

ing the same shall be satisfied that the work has been done, or the material furnished, which according to the true intent and meaning of this Act would be properly chargeable to the owner of the lot of land, through or by which the street, highway or alley improved or repaired may pass, judgment shall be rendered for the value of the work or materials performed or furnished on such lot of land, notwithstanding any informality or defects in the proceedings of the officers of the city. In such actions the city shall be entitled to recover in addition to the amount, interest thereon at ten per cent. per annum, from the time said work was done or materials furnished, together with five per cent. per annum to defray the expenses of collection, which shall be included in the judgment rendered;

9. 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, 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 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 the track is proposed to be located and laid down has been ascertained and compensated;

10. To erect and maintain water works within or without the city, 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, assent thereto;

11. 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, and to define what shall constitute the same;

12. 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 proceeding; or may authorize their destruction;

13. 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 theatrical shows and other exhibitions and public amusements; and to license, tax and regulate auctioneers, hawkers, peddlers, brokers, pawnbrokers and all such callings, trades and employments as the public good may require to be licensed and regulated, as are not prohibited by law;

14. 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 and authority 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 disorder or apprehension of offenders;

15. To prevent injury or annoyance from anything dangerous, offensive or unhealthy, and to cause any nuisance to be abated; to suppress and restrain disorderly houses, houses of ill-fame or gambling houses, and to authorize the destruction of all instruments or devices used for purposes of gaming; to regulate the transportation, storage and sale of gunpowder, giant powder, dynamite, nitro-glycerine, or other combustibles, and to provide or license magazines for the same, and to prevent by all possible and proper means, danger or risk of injury or damages by fire arising from carelessness, negligence or otherwise; to prevent and punish fast or immoderate 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; to regulate and prohibit the carrying of deadly weapons in a concealed manner; to regulate and prohibit the use of guns, pistols and fire-arms, fire-crackers, bombs and detonating works of all descriptions; to restrain and punish intoxication, fighting and quarreling on the streets; to control and regulate slaughter houses, wash houses and public laundries, and to provide for their exclusion from the city limits, or from any part thereof; to regulate the driving of stock through the streets; to compel all persons erecting or maintaining privies or cesspools within one hundred feet of any street in which a sewer has been or may hereafter be constructed, to connect the same therewith; to regulate the opening of street surfaces, the laying of gas and water mains, the building and repairing of sewers and the erection of gas lights; to regulate and prevent public criers and advertising noises, steam whistles, the ringing of bells in the streets, and to control and limit traffic on the streets, avenues and public places; to regulate the use of the streets and sidewalks for the use of signs, sign posts, telegraph posts, awning posts and other