

LAWS
OF THE
TERRITORY OF WASHINGTON,

ENACTED BY THE
LEGISLATIVE ASSEMBLY,

IN THE YEAR 1883.

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receive for his services such compensation, and give such bonds as the trustees may determine.

SEC. 4. The board of trustees shall define the duties of all officers.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved October 27, 1883.

AN ACT

TO INCORPORATE THE CITY OF WHATCOM.

CHAPTER I.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the corporate limits of the city of Whatcom and boundaries thereof shall be as follows: Commencing at the southeast corner of the Henry Roeder donation claim, in section twenty-five (25), township thirty-eight (38) north, range two (2) east; thence north to the northwest corner of said donation claim; thence east along the north line of said donation claim to the west line of section nineteen (19), township thirty-eight (38) north, range three (3) east; thence north along said section line to the center line thereof; thence east along said center line forty rods (more or less) to the west line of lands owned by the Bellingham Bay and British Columbia R. R. Co.; thence south along the line of said lands forty rods (more or less) to the southwest corner of said lands of said railroad company, being the southwest corner of the northeast quarter of the southwest quarter of said section nineteen (19); thence east forty rods (more or less) to the center line of said section nineteen (19); thence south along said center line of said section nineteen (19) and along the center line of section thirty (30), in said township and range last aforesaid, to the north line of the H. O. Page donation claim in said township and range; thence west along said line to the northeast corner of the Russell V. Peabody donation claim; thence south to the southeast corner thereof; thence west to a bolt in the rock at or near mean high tide in Bellingham bay; thence along the southerly and southwesterly line of said Russell V. Peabody donation claim to the west line thereof; thence south along the east line of the Henry Roeder donation claim, aforesaid, two (2) chains to the southeast corner thereof; thence along the southwesterly line of said Henry Roeder donation claim to the place of beginning, together with the tidal flat lands in front of said Henry Roeder and Russell V. Peabody donation claim, out to deep water, twenty-four feet in depth at low tide, in Bellingham bay.

SEC. 2. The inhabitants of the city of Whatcom within the limits above described, shall be, and they are hereby, constituted a body politic and corporate in fact and in law, by the name and style of the "City of

Whatcom," and by that name and style they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and in all suits and actions whatsoever may purchase, acquire, receive and hold property, real personal and mixed, for the use of the city; may lease, sell and dispose of the same for the benefit of the city, and they shall have and use a common seal, and may alter and amend the same at pleasure.

SEC. 3. The city of Whatcom may be divided into two or more wards by the city council: *Provided*, That the same shall not be done within ninety days prior to any election.

SEC. 4. On the second Monday of December, A. D., 1883, there shall be a general election held in the city of Whatcom, county of Whatcom, Territory of Washington, and annually thereafter, for the purpose of filling offices as provided for in this act.

CHAPTER II.

POWERS OF THE CORPORATION.

SEC. 1. The city of Whatcom shall have power to assess, levy and collect taxes, for general and municipal purposes, not to exceed one-half of one per centum per annum upon all property, both real and personal, within the city limits, which is by law taxable for territorial and county purposes: *Provided*, That the indebtedness of the city must never exceed in the aggregate the sum of (\$2500) two thousand five hundred dollars, and any debt or liability incurred in excess of said sum of two thousand five hundred dollars, shall be invalid and void.

SEC. 2. The city of Whatcom shall have power to make regulations for the prevention of accidents by fire, to organize and establish a fire department, and make and ordain rules for the government of the same, to provide fire engines and other apparatus, and to establish fire limits.

SEC. 3. The city of Whatcom shall have power to purchase or condemn, and enter upon and take any land within its territorial limits for public squares, streets, parks, cemeteries, hospital grounds, within or without such limits, to be used for work houses or houses of correction, or any other proper and legitimate municipal purposes, and to inclose, 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 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 hereafter be 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 same manner that may be prescribed by ordinance, shall vest in the purchaser all the right, title and interest of the city therein.

SEC. 4. The city of Whatcom shall have power to provide for the lighting of the streets with gas or other lights within such districts or limits as may be prescribed by ordinance.

SEC. 5. The city of Whatcom shall have power to provide for clearing, opening, grading, graveling, improving and repairing streets, highways and alleys, and for the prevention and removal of all obstructions therefrom, and from any side or crosswalk; also to regulate cellar ways, cellar lights, and sidewalks within the city, and to provide for cleaning the streets, and for constructing sewers, and cleaning and repairing the same; and shall have 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 active or exempt firemen and persons that are a public charge; and there shall not be levied or collected by the county of Whatcom or the officers thereof, any road tax or road poll tax or bridge tax upon the property or inhabitants within the city: *Provided*, That in the grading of any street the city council shall remove the earth from line to line the full width of the street.

SEC. 6. The city of Whatcom shall have power to cause any lot of land within the city limits, on which water at any time becomes stagnant, to be drained or filled up, and to cause any vault upon any lot or block 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 recovered against the owner of said property by an action at law as for debt.

SEC. 7. The city of Whatcom shall have 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, name, change, extend, vacate and establish streets, highways, 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 improvements authorized by this section, to be applied on compensation of property so condemned or damaged.

SEC. 8. The city of Whatcom shall have power 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, dance houses 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 gun powder, giant powder, dynamite, nitro-glycerine, or other explosive or 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 prevent any riots, noise, disturbance or disorderly assembl-

ages, 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; the building and repairing of sewers and the erection of gas lights; 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 purposes, to regulate and prohibit the exhibition and hanging of banners and placards or flags in or across the streets, or from houses or other buildings; to prohibit the exhibition of deformed or crippled persons, and to prohibit professional begging upon the streets or in public places; to regulate the numbering of houses and lots on the streets and avenues, to provide for cleaning and sprinkling of the streets and avenues, and to punish those who shall refuse so to do; and to prohibit persons from roaming the streets at unreasonable hours.

SEC. 9. The city of Whatcom shall have power to suppress and prohibit the keeping of places, houses or rooms where either male or females, adults or minors are permitted to indulge in the habit of smoking opium, and to provide by ordinance for the summary closing of such places, houses or rooms.

SEC. 10. The city of Whatcom shall have power to make regulations to prevent the introduction of contagious diseases into the city; to remove persons affected with such diseases therefrom to suitable hospitals provided by the city for that purpose; to provide for the support, restraint and employment of vagrants and paupers; to restrain and punish disturbances or any unlawful or indecent practices, and to define what shall constitute the same.

SEC. 11. The city of Whatcom shall have power to make regulations and to pass ordinances to prevent animals from running at large within the city limits, 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 to authorize their destruction.

SEC. 12. The city of Whatcom shall have power to regulate, license and tax all carts, drays, trucks, wagons, carriages, coaches, omnibuses and other vehicles kept for hire, or for the transportation of persons or property for hire, and to prescribe and fix the rates thereof; to license, tax and regulate or prohibit theatrical shows and other exhibitions; to license, tax and regulate auctioneers, hawkers, peddlers, bankers, brokers, and pawnbrokers; to license, regulate or restrain drinking saloons, beer shops, breweries and other places where intoxicating or other beverages are sold or disposed of: *Provided, however,* That no license shall be required of apothecaries or druggists for the sale of wines, spirits or malt liquors for medical purposes, when sold upon the authority of written prescriptions of practicing physicians; to license, tax and reg-

ulate wash houses, and to prescribe and designate places for carry on the same; to license and tax all hotels, livery stables, business houses and wholesale and retail establishments of every kind and description, real estate dealers, insurance agents, and all persons, male or female, practicing professions: *Provided*, That not tax shall be imposed, or license required, for the sale, inside of said city, of any of the natural products of the country, when sold by the producer or mechanics, who expose for sale only the goods, wares or merchandise manufactured within the city limits.

SEC. 13. All funds derived from liquor or other licenses, granted under the provisions of this act, together with fines, shall be paid into the city treasury for the use of said city of Whatcom: *Provided*, That two-thirds of the amount derived from liquor licenses, shall be paid into the Whatcom county treasury by said city of Whatcom, to be placed to the credit of the general county fund.

SEC. 14. The city of Whatcom shall have the power to establish chain gangs and maintain a day and night police, and to provide for the election or appointment of such number of police officers as may be necessary, who shall have full power and authority to make arrests with or without warrants, and within or without the limits of the city; and such police officer shall also have authority to summon aid and to exercise all powers necessary and requisite for the prevention of crime and apprehension of offenders, and in all cases where arrests are made for offenses against the general laws of the territory, such police officers shall be entitled to receive the same fees as are allowed to sheriffs and constables for similar services: *Provided, however*, That such fees shall not be collected from the city.

SEC. 15. The city of Whatcom shall have power to provide cemeteries and to regulate the burial of the dead, and to prevent any interments within the limits of the city, and shall have power to establish cemeteries or burial grounds without the city limits, and have authority and jurisdiction over the same, necessary to the safety, preservation, regulation and ornamenting the same.

SEC. 16. The city of Whatcom shall have power to establish and regulate markets, and to provide for the measuring or weighing of hay, coal and other articles of sale.

SEC. 17. The city of Whatcom shall have power to adopt proper ordinances for the government of the city, and to carry into effect the power given by this act, and to provide for the punishment of a violation of any ordinance of the city by fine, not exceeding three hundred dollars and cost, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment, and in case of the default of the payment of such fine and costs, shall be imprisoned not to exceed one day for every three dollars; and such fine and costs may also be collected by execution against the property of the defendant, and when so collected shall be credited on the judgment, and any person while imprisoned as aforesaid, may be compelled to work during the time he is so imprisoned at such hard labor as the marshal shall direct; and the city may also cause the animals found running at large to be impounded, forfeited and sold.

SEC. 18. The city of Whatcom shall have power to establish and

regulate the fees, duties and compensation of all its officers, except when otherwise provided, and shall have such other powers and privileges not herein specially enumerated as are incident to municipal corporations of like character and degree not inconsistent with the laws of the United States or of this territory, and as may be necessary for carrying into effect the provisions of this act, according to the true intent and meaning thereof: *Provided, however,* That the mayor and councilman shall not receive any compensation for their official services.

SEC. 19. The city of Whatcom shall have power to make harbor regulations and rules; to regulate or prevent the discharge of ballast or other material in the harbor within the city limits; to assess and collect harbor dues from all vessels and water craft whatever arriving at or departing from the city; to license and tax wharfingers.

SEC. 20. The city of Whatcom shall have power to construct and repair sidewalks, and to curb, pave, grade, gravel, bridge and gutter any street or streets, highway or highways, alley or alleys, within the city or any part thereof, and to levy and collect a special tax or assessment on the lots and parcels of land fronting on such street or streets, highway or highways, alley or alleys, or any part thereof, sufficient to pay the expense of construction of said sidewalks and graveling or bridging or paving said streets and alleys, and for that purpose may establish assessment districts, consisting of the whole, or any portion, of such street or streets, highway or highways, alley or alleys, or of several streets, highways and alleys as may be deemed advisable. 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 two-thirds of all the members of the council by vote authorize the making of the same.

SEC. 21. The city of Whatcom shall have power to create new wards and increase the number of councilmen, not to exceed seven; also to change the boundary lines of wards, so as to equalize the population; *Provided,* That no new wards shall be created, or boundary lines be changed, within ninety days prior to any election.

CHAPTER III.

GOVERNMENT.

SEC. 1. The power and authority, given to the city of Whatcom by this act, shall be vested in a mayor and common council, together with such other officers as are in this act mentioned, or may be created under its authority.

SEC. 2. The common council shall consist of four members. They shall be elected for one year, and shall hold their office until their successors are elected and qualified.

SEC. 3. The mayor shall be elected by the city at large for one year, and shall hold his office until his successor is elected and qualified.

SEC. 4. The common council shall be elected at large by the city, unless wards are created as provided in this act, when there shall be two