

Territorial Charter of the City of Waitsburg

Approved by the
Territorial Legislature
of the Washington
Territory

February 4, 1886

**AN ACT
TO AMEND AN ACT ENTITLED,
“AN ACT TO INCORPORATE THE CITY OF WAITSBURG”**

Be it enacted by the Legislative Assembly of the
Territory of Washington:

CHAPTER I.

Sec. 1. That the corporate limits of the city of Waitsburg, and the boundaries thereof, shall be as follows: Beginning at the northeast corner of section fourteen (14), township nine (9) north of range thirty-seven (37) east Willamette meridian, running thence north on the section line between sections eleven (11) and twelve (12) in said township, one hundred and sixty (160) rods; thence at right angles west four hundred (400) rods; thence at right angles south two hundred and forty (240) rods; thence at right angles east four hundred (400) rods; thence at right angles north eighty (80) rods, to the place of beginning.

CHAPTER II.

As To The Powers Thereof.

Sec. 2. The inhabitants of the city of Waitsburg 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 Waitsburg”, 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 and personal and mixed, for the use of the city; may lease, sell and dispose of the same for the benefit of the city; may purchase, acquire, receive and hold real property beyond the limits of the city, to be used for burial purposes; also for the establishment of a hospital for the reception of persons affected with contagious or other diseases; also for work-houses, or houses of correction; also for the erection of water-works to supply the city with water, and may sell, lease or 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 and make a new one at pleasure.

Sec. 3. The city of Waitsburg has power 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, and to levy and collect special taxes, as hereinafter provided; but all taxes for general and special municipal purposes shall not exceed in any one year one-half of one per centum on the property assessed; Provided, however, That the above limitations shall not apply to local assessments in assessment districts.

Sec. 4. The city of Waitsburg shall have power to make regulations for prevention of accidents by fire. To organize and establish fire departments, and shall have control thereof, and 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-tenth 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 be made of brick, mortar and iron, or stone, mortar and iron and to provide for the removal of any building, or any addition erected contrary to such prohibition.

Sec. 5. The city of Waitsburg may regulate and provide as to the manner in which all lands and additions to the city shall be subdivided into lots, blocks, streets and alleys, and the width, distance apart and direction of each street and alley, and the manner in which a plat shall be made thereof, and when filed and the kind of monuments in all parts of the city, and place and manner of erection, and maintenance thereof, to prevent mistakes and confusion of boundaries, and may cause an official map of said city to be made and kept for public inspection, which plat, certified by the city surveyor, shall be prima facie evidence that the lines as they thereon appear are correct; and all surveys made by the city surveyor whatever, at the instance and expense of the city or private parties, shall be prima facie evidence of their own correctness, and the city has power to enforce this by ordinance and to compel the establishment and maintenance of such monuments and to fine or imprison, or both, for violation thereof; and when the boundary of existence of any public street, alley, easement or square is in doubt, and the land claimed by a private party, the city may file a bill in equity to determine the right thereto.

Sec. 6. The city of Waitsburg has power to purchase or condemn and enter upon, and take any lands within 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 proper and legitimate municipal purpose and to enclose, 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-fifteenth of one percent, in any year. The city shall have entire control of 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 to regulate and improve the same, and 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 causes of said city and 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. 7. The said city of Waitsburg has power to provide for the lighting of streets and furnishing the city with lights, and for the erection or construction of such works as may be necessary and convenient therefore; and has power to levy and collect, for these objects, a special tax not exceeding one-fifteenth of one per centum per annum upon the taxable property within the limits of the city for the benefit of such lights.

Sec. 8. The said city of Waitsburg shall have power to provide for clearing, opening, ornamenting, vacating, graveling, improving and repairing the streets, highways and alleys, to gutter the same, and to construct and repair sidewalks, and build bridges and to prevent the obstructing thereof, and to remove all obstructions therefrom, or from any cross or sidewalk; also to regulate cellarways and cellar lights, or sidewalks within the city, and to provide for clearing the streets, and to establish the grade thereof; also for constructing sewers and cleaning and repairing the same, and have power to assess, levy and collect each year, a road poll tax of not less than two, nor more than four dollars, on every male inhabitant of the city, between the ages of twenty-one and fifty years, except actual and exempt members of the fire department, and except persons that are a public charge; also a special tax on property of not less than two, nor more than five mills on every dollar's worth of property within the city; which taxes shall be expended for the purpose specified in this section, and there shall not be levied or collected by the county of Walla Walla or the officers thereof, any road tax or road poll tax upon the property or inhabitants within the said city.

Sec. 9. The said city of Waitsburg shall have power to cause every person to keep his property, or the property he occupies or controls, and the adjacent streets and alleys clean, and free from all things dangerous to health, or offensive to the senses or dangerous to travelers and to keep said streets and alleys free from inflammable material and to cause owners of public halls and other buildings to provide suitable means of exit, to abate all nuisances, and provide for public safety.

Sec. 10. The said city of Waitsburg is hereby authorized to grant the right to the streets of said city, for the purpose of laying gas and other pipes, intended to furnish the inhabitants of said city with light or water, to any persons or association of persons, for a term not exceeding twenty-five years; and to authorize, or forbid the location and laying down of tracks for railways and street railways, telegraph and telephone appliances, on all streets, alleys and public places, but no railway track can be thus located and laid down until after the injury to streets, alleys and to property abutting upon the streets, alley or public place, upon which such track is proposed to be located and laid down, has been ascertained and compensated in the manner provided for compensation for private property, taken for public use by said city, in this act; Provided always, That none of the rights or privileges herein granted shall be exclusive, nor prevent the council from granting the same right to others.

Sec. 11. The said city of Waitsburg shall have power to erect and maintain water-works within or without the city limits, or to authorize the erection of the same, for the purpose of furnishing the city or the inhabitants thereof, with a sufficient supply of water and maintain the same from injury and the water from pollution, and its jurisdiction shall extend over the territory occupied by such works, and all reservoirs, streams, springs, 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, within its corporate limits, above the point from which it is taken, and to enact all ordinances and regulations necessary to carry the power herein conferred into effect; but no waterworks shall be erected by the city until two-thirds of the voters, who shall be those only who are freeholders in the city, or pay a property tax therein on not less than

five hundred dollars worth of property, shall at a general or special election vote for the same. Such proposition shall be formulated and submitted not less than thirty days before such election.

Sec. 12. Said city of Waitsburg 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 shall have power to purchase or condemn water-works already erected or which may be erected and may mortgage or hypothecate the same to the persons from whom the same may be purchased, the payment of the purchase price thereof; said city shall have power to regulate and sell water thus brought therein, and the moneys arising therefrom shall constitute a fund to be used to defray the expenses of operating the same, and to pay the purchase price thereof, and said city may levy and collect a special tax each year until the necessity therefore ceases to exist, not to exceed two-tenths of one per centum; Provided however, No such tax shall be levied, or collected until the question has been submitted, as provided in section eleven (11) of this act, to electors as therein named and two thirds thereof at an election shall favor the same.

Sec. 13. The said city of Waitsburg shall have power to provide for, and by ordinance adopt such a system of sewerage as may be needed, but no moneys shall be expended for pipes, main or laterals, to be used therefore, until the system proposed and the cost therefore has been ascertained and submitted for satisfaction or rejection to the qualified voters of said city; said voters to be qualified as prescribed in section eleven (11) and twelve (12) of this act, at an annual or special election, and the expenditure thereof be authorized by two-thirds of such voters; provided, That this section shall not prohibit construction of sewers under section eight (8) of this chapter.

Sec. 14. The said city of Waitsburg shall have power to make regulations to prevent the introduction and spread of contagious diseases in the city; to remove persons affected with such disease therefrom to suitable hospitals provided by the city for that purpose; and to provide for their support during their sickness only, and to provide that solvent persons and their estate shall pay for the expense of keeping them in such hospital; Provided, however, That persons shall not be removed from their own house without their consent, but the city may quarantine any house wherein a contagious disease exists, or the whole city.

Sec. 15. The said city of Waitsburg shall have power to regulate, license and tax all carts, drays, wagons, carriages, coaches and omnibuses and other vehicles kept for hire, and to 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, tax, regulate, prohibit and restrain drinking saloons and beershops and breweries or other places where intoxicating or other beverages are sold or disposed of in less quantities than one gallon; Provided, however, That no license shall be required of apothecaries or druggists for the sale of wines, spirit or malt liquors for medical purposes only when prescribed by regular practicing physicians; to license, tax and regulate, wash-houses, slaughter-houses, abbatoirs, and to license and tax all hotels, livery stables, business houses and wholesale and retail establishments of every kind and description; Provided further, That not ax shall be imposed or license required for the sale in said city of any of the natural products of the country when sold by the producer; Provided further, That nothing herein shall be so construed as to conflict with any license or revenue laws of this territory; Provided, That said city shall not issue any license to sell

spirituous, malt or vinous liquors for any less license fee than that provided by the general laws of the territory.

Sec. 17. That said city of Waitsburg has power to establish and maintain a day and night police, which shall consist of the marshal and such deputies if any, as may be by ordinance provided, and to regulate the pay and duties thereof.

Sec. 18. The said city of Waitsburg shall have power to prohibit, restrain and abate houses of ill-fame, gambling houses, opium smoking houses and to confiscate the opium found therein, and to authorize the destruction of gaming devices, and opium smoking devices; to prohibit, restrain or abate disorderly houses; to regulate the transportation and keeping of gun-powder and other combustibles, and to provide magazines for the keeping thereof, and license and tax such keeping, and punish any violation of such regulation by fine, imprisonment or forfeiture of the gun-powder or combustible kept or transported contrary to such regulation; to regulate the speed and manner in which animal or vehicles of any kind, including locomotives or cars, shall be driven or allowed to run through the streets of said city; to prevent riots, assaults, assault and batteries or affrays, noisy or disorderly conduct and assemblies within said city; and to prevent the maintenance of and abate anything which is annoying, offensive or unhealthy whatever its nature, and to prevent all other acts which are misdemeanors at common law, or by the statutes of the Territory of Washington, and may punish violations of this section as provided in section twenty-second (22) of this act.

Sec. 19. The said city of Waitsburg shall have 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, and have full jurisdiction over all cemeteries belonging to the city, whether within or without the city limits and of the walks and ways leading from the city to such cemeteries, and power to regulate and improve and protect the same in all respects, and to punish by fine and imprisonment, as provided by section 22, of this act, any violation of ordinance in respect to the same.

Sec. 20. The said city of Waitsburg shall have power to establish and regulate markets, to provide for the measuring or weighing of hay, coal, wood or any other article.

Sec. 21. The said city of Waitsburg shall have power to protect that city and the inhabitants thereof, from the floods of the Touchet river and other streams, and to that end may prescribe the width between banks, prevent obstructions therein and cause the same to be removed therefrom; prescribe the place where embankments shall be made and the nature thereof, and prescribe the duties of the owners of the abutting land, or shore of said river, or streams as to putting in and maintaining protections against the overflow or washing thereof; and in case said duty is not performed the city may construct such protection wholly at the expense of the city, or at the expense of the said owners of abutting property to the extent of ten percent of the assessed value of said abutting property, and abutting property is all property within seventy-five feet of said river or streams.

Sec. 22. The said city of Waitsburg shall have 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 three hundred dollars, and costs, 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 have power to imprison, not to exceed one day for every two 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 city marshal may direct.

Sec. 23. The said city of Waitsburg shall have power to determine and prescribe the amount which abutting property shall pay for any improvements in this charter mentioned to the extent of ten percent of the value of said property; which amounts are hereby denominated a special tax.

Sec. 24. The said city of Waitsburg shall have power to establish and regulate the fees and compensation of all its officers, except when otherwise provided, and have such other powers and privileges, not here specifically enumerated, as are incident to municipal corporations.

CHAPTER III

Limitations Of The Powers Of The City.

Sec. 25. The city of Waitsburg shall pass no ordinance which shall conflict with the constitution of the United States, the organic act, or the legislative acts of the Territory of Washington.

Sec. 26. The said city of Waitsburg shall pass no ordinance providing a fine or penalty exceeding three hundred dollars, or imprisonment exceeding thirty days, or such fine and imprisonment.

Sec. 27. The said city of Waitsburg shall pass no ordinance imposing a greater penalty for nonpayment of tax than is provided as a penalty therefore by the laws of the Territory of Washington.

Sec. 28. No ordinance or resolution of said city of Waitsburg shall be in force unless it is passed and engrossed and approved as provided in this act.

CHAPTER IV.

The Council, Its Organization and Manner Of Action.

Sec. 29. The mayor and five councilmen elected according to the provisions of this act are denominated, "The council of Waitsburg," and each member shall qualify and take his seat as soon as he receives the certificate of election and hold his office until his successor is elected and qualified.

Sec. 30. When the mayor, or acting mayor, is absent from a meeting the councilmen may elect one of their number to act as president of the council. When the mayor, or acting mayor is present, he shall act as president, and in case of a tie vote only may cast the deciding vote.

Sec. 31. The council shall also elect a city clerk, who shall be present at all its meetings, and if he is absent the council may elect a clerk pro tem to perform his duties thereat; said clerk shall be subject to the orders of the council, and shall keep a correct record of the proceedings of the council in a well bound book and safely keep all books and papers entrusted to him by the council and perform such other duties as provided by this act, or as may be provided by ordinance.

Sec. 32. The council may provide by ordinance who shall act as sergeant-at-arms of said body, and for his powers and duties and may empower and remove him at pleasure.

Sec. 33. A majority of councilmen elect shall when met in pursuance to ordinance be deemed a quorum to do any business, but a less number may meet and adjourn or compel the presence of other members, and a majority of the quorum is sufficient to pass any measure except an ordinance for taxation or general appropriation of money.

Sec. 34. The meetings of the council shall be at such place and time, and shall be called together in such manner as may be provided by the ordinance.

CHAPTER V.

Power Of The Council.

Sec. 35. The council of Waitsburg is hereby invested with all legislative powers necessary to provide for the enforcement of each and every power granted to the city of Waitsburg by this act, and to that end it has plenary power in all respects as to full an extent as the legislative power of the territory of Washington, save and except wherein the power of the city is limited by the provisions of this act.

Sec. 36. The said body has also such executive and administrative power as is not expressly conferred upon other officers by this act, or as shall be provided by ordinance.

Sec. 37. When a mode of action is prescribed in this act proceedings shall conform to such mode as nearly as practicable; but in case that any step is omitted to make such mode effectual it may be supplied by ordinance, and where no mode is prescribed by this act the council may adopt such mode as it may deem proper.

CHAPTER VI.

The Mayor, His Powers And Duties.

Sec. 38. The mayor of the city of Waitsburg, in addition to his powers and duties as part of the body known as "the council of Waitsburg," shall have power to veto all ordinances or resolutions passed by said council in the manner provided by this act.

Sec. 39. He shall have power to commute the sentence of any person convicted of a breach of ordinance.

Sec. 40. He shall be chief executive officer of the city of Waitsburg.

Sec. 41. He shall have power to suspend all officers and agents of the city from power until the next meeting of the council for any cause he may deem just, and appoint a person to act in the meantime in the place of the person so suspended; Provided, He shall not suspend any officer or agent of the city but once during a fiscal year, and he shall be responsible personally for the damage done to the person suspended in a civil action, unless the council shall approve the suspension.

Sec. 42. He shall carefully examine each bond and contract to which the city is a party and see that it is in proper form and has security according to the provisions of law or ordinance.

Sec. 43. He shall countersign all warrants drawn in pursuance of ordinance whether he approved the same or not and shall not be responsible to any party for so doing; if the ordinance authorizing the warrant is declared illegal and his refusal to so sign shall be sufficient cause for the council to remove him from office, and fill the vacancy.

Sec. 44. He shall perform such other and further duties as may be prescribed by ordinance.

CHAPTER VII.

The City Treasurer, His Powers And Duties.

Sec. 45. The Treasurer of the city of Waitsburg shall keep his office in the city limits. He shall receive and safely keep all moneys of the city, including all city taxes. He shall be receiver of all city taxes, and during the time the tax roll is in his hands he shall keep his office open at all reasonable hours for the receipt of taxes, and when paid shall receipt therefore, and when it is made evident to him by affidavits that a person has been charged for taxes which he is not legally bound to pay, he shall receive such affidavit and report the same with his recommendation to the council for its action, and in case he shall be informed that any property has not been assessed for the fiscal year, or is assessed to the wrong person, he shall have power to, and shall assess the same, and add the proper assessment to the assessment roll, and notify the person assessed if in the city, and if not, by publication in a weekly newspaper of general circulation published in said city if there be one, and if not, in one published in the county of Walla Walla and Territory of Washington, nearest to the said city for the period of fourteen days, and that fifteen days after the date of the first publication of said notice, or after the date of giving personal notice, the tax thereon shall be due and collectable as other delinquent taxes, and he shall so enter the same upon the assessment roll.

Sec. 46. The treasurer shall, when money is paid for licenses, give a receipt to the person paying the same, showing the amount received, and the purpose for which it is received. He shall pay out no city moneys, except on a warrant properly drawn upon him.

Sec. 47. He shall keep an account of all moneys received for taxes, from licenses and from fines separately, which money shall go into the general fund; and also keep an account of the warrants drawn and presented thereon; and an account of the disbursement therefrom in separate items, showing to whom each payment is made, and the date and amount of payment. He shall also keep the warrants upon which payment is made. He shall keep an account of the road tax and poll tax receipts and disbursements in a separate account substantially as aforesaid, and when any tax is levied for any special purpose, he shall keep an account of the receipts and disbursements in the same manner.

Sec. 48. The treasurer shall, at least one week before the first meeting of the council in December, make out his report showing the condition of each fund and file it with the city clerk for him to examine and compare with his works, and place before the council at its said meeting.

Sec. 49. The treasurer's books shall at all reasonable times be open to the inspection of each officer and agent of the city.

Sec. 50. The treasurer, before entering upon his duties, shall file such bond and security for the faithful performance of his duties as shall by ordinance be prescribed, and approved by the mayor and council, and that body may require additional bond and security, whenever it deems proper, and unless such additional bond and security be filed in such time as an ordinance may provide, his office shall be forfeited and vacant, and the mayor, assisted by the police force, may seize all his official books and papers forthwith, breaking open any door, box or safe and enter upon and into any place or premise necessary as for that purpose.

Sec. 51. In case the treasurer should die, become insane, convert to his own use any city money, be convicted of any crime, abscond from the city, or be absent from the city more than twenty days without leave, the mayor and council may declare the office vacant, and the mayor as aforesaid, shall immediately seize and keep all moneys, books and papers of the office and deliver the same to said treasurer's successor in office, who shall be immediately appointed by the council, and shall be subject to all the conditions and qualifications and shall have the same power as his predecessor, and may be removed for the same cause.

CHAPTER VIII.

City Clerk, His Powers And Duties.

Sec. 52. The clerk of the city of Waitsburg, in addition to his powers and duties as clerk of the council, shall receive and present to the council for its action all claims against the city, and when a claim is allowed and ordered paid, and then only, he shall draw a warrant on the city treasurer therefore, according to the order of the council.

Sec. 53. The clerk shall number each warrant issued in its order, specify the name of the payee and the fund out of which it shall be paid therein.

Sec. 54. The clerk shall sign the warrant and present it to the mayor for his signature, and thereupon the mayor must sign the same, whether he approves of the same or not, on pain of a motion from office.

Sec. 55. The clerk shall keep, in a well bound book, an account of each warrant drawn by him, with date, number, amount and name of payee.

Sec. 56. The clerk shall issue all licenses upon receipts from the city treasurer of the payment therefore, and he shall keep said receipts as his vouchers for issuance of licenses, and he shall keep an account of each license issued in a well bound book.

Sec. 57. The clerk shall compare the annual account of the treasurer, when the same shall have been filed with him, with his account and annex his report of the result of the comparisons between his and the treasurer's accounts to the account of the treasurer, and read the same at the first meeting of the council in December, or at such other session of the council as may be fixed by ordinance.

Sec. 58. The clerk, when the council shall have fixed the sum to be raised by taxation, shall, as soon as possible, deliver blank assessment rolls, detail lists, poll tax and road poll tax receipts to the assessor, and charge the assessor with such receipts.

Sec. 59. The clerk shall, when the assessor returns to him the road tax or road poll tax receipts, credit the assessor with the kind, number and amount thus returned.

Sec. 60. The clerk shall, when the assessor returns the assessment roll and detail lists, apportion the amount to be raised among the persons assessed in accordance with the assessment roll and detail list according to value, and place the sum assessed to each person opposite the person's name.

Sec. 61. The clerk, when he has thus prepared the assessment roll, shall give ten days' notice to the taxpayers of when he will present the same to the council, which notice shall be sufficient, if posted in three public places in the city, or published in a newspaper printed and published therein, and the proof of the said posting or publication shall be the certificate of the clerk that it has been done.

Sec. 62. The clerk shall, at the time specified in said notice, place the detailed lists and the assessment roll, as completed by him, and said notice to taxpayers before the council, and shall mark on said assessment roll all changes ordered made by the council, when the president of the council shall mark them approved by the council, and sign the same.

Sec. 63. The clerk shall have power to administer oaths, and on an application to change the assessment roll, shall swear the witnesses who are present for that purpose, and when any person shall claim that property is wrongfully assessed to him, the clerk shall refer to the detail list of said person's property, if he has the same, and annex thereto the oath of the person who claims that it is incorrect, and in case no detail list has been made by the taxpayer, the clerk shall have a blank detail list, which shall be filled up and sworn to by any person applying for a correction or

reduction of his assessment, and such proceedings shall be had that the council shall hear and determine all questions concerning assessments, and make the assessment roll conform to the true levy of taxes on all property which then comes to its knowledge, according to the value thereof.

Sec. 64. The clerk shall, when the council has passed upon the assessment roll, preserve the detail lists, and turn over the corrected assessment roll to the city treasurer for the reception of taxes, and at the same time deliver to the said treasurer blank poll tax and road poll tax receipts, and charge him therefore.

Sec. 65. The clerk shall, when the time has transpired for the city treasurer to receive taxes, and when the treasurer has turned over to the clerk the assessment roll, make out a list of the taxpayers whose taxes are delinquent and the amount each is delinquent, and attach it to the assessment roll, and deliver a copy of the assessment and delinquent list certified by him to be such, to the tax collector, with blank poll tax and road tax receipts, and charge such receipts to the tax collector.

Sec. 66. The clerk, when the tax collector makes his return, shall, in accordance therewith, make a duplicate list of all tax sales of real property, and keep one list himself, and certify another to the auditor of the county of Walla Walla, who shall record the same as a records of deeds, and such record shall be notice to all the world that sales have been duly made, as therein appears.

Sec. 67. The clerk, when the tax collector makes return that a tax is still delinquent, shall make a list thereof, and keep the same in his office; and at the next annual city election, shall furnish the boards of election with a certified copy thereof, and shall charge the tax collector with all the taxes which he returns as having been by him collected, and credit him with all which he shows by receipts he has paid to the city treasurer.

CHAPTER IX.

City Assessor, His Powers And Duties.

Sec. 68. The assessor of the city of Waitsburg shall be the collector of poll taxes and road poll taxes, while he is assessing property within the city, and shall have all the powers and duties thereof.

Sec. 69. The assessor shall receive the blank assessment roll, and detail list and blank poll tax and road poll tax receipts, at the time prescribed by ordinance, and proceed, continue and perform the said duties of assessor and tax collector and make due returns at such time as may be fixed by ordinance.

Sec. 70. The assessor shall cause every taxable person whom he can find in the city, to fill out a detail list of his property taxable by the city, and verify the same on oath which he shall present to him, or her, or the agent of property, when the owner cannot be found and the agent can, an executor, administrator, or other officer, shall swear to a detail list of such property, as is in his

or her hands as such executor, administrator, or officers, and in case he can find no person to verify the detail list, he shall fill out the same and certify it is correct to the best of his knowledge.

Sec. 71. The assessor shall have the power and right to administer oaths to detail lists, and may cross-examine any taxpayer as to his property and its ownership, when he thinks proper. He shall number each detail list and place the number opposite the name of the person assessed on his assessment roll.

Sec. 72. The assessor shall return the said detail list, so numbered, and the assessment roll, with the names of each taxpayer opposite the number of the detail list, to the city clerk, at such time as required by ordinance; when he is of the opinion that a detail list is incorrect he shall state his reasons therefore in writing, and attach it to the detail list, and make due return of all according to ordinance.

Sec. 73. The assessor shall assess each inhabitant of the city with all the personal peroperty owned by him at the time the assessment roll came into his hands, and when personal peroperty is situated in the city for permanent use, or for sale, he shall also assess the same to the owner and person in possession jointly, and when it is so situated, and in possession of an executor, administrator, sheriff, or other officer or trustee, it shall be assessed to such possessor.

Sec. 74. The assessor shall assess all real property situated in the city, when unencumbered, to the owner thereof, is held in severalty, and if held jointly, or as tenants in common, he shall assess to those owning jointly; in case less than a freehold is owned, he shall assess the estate held by each person. Community property shall be assessed to husband and wife jointly. The separate property of each married person shall be assessed to each. In case of mortgage or lien the property shall be assessed jointly against all parties having an interest therein, if held by an executor or administrator, sheriff or trustee it shall be assessed against them, and a detail list verified by any one person interested as aforesaid shall be sufficient.

Sec. 75. The assessor, when he has reason to believe that personal property liable to assessment is about to be removed from the city may seize and hold the same until reasonable security is given to secure the tax levy thereon, or until after the regular tax collector enters upon his duties, then deliver the same to him.

Sec. 76. The assessor, in collecting poll tax or road poll taxes, may do and perform any and all acts which the regular tax collector may do when the taxes are in his hands for collection.

Sec. 77. If any person refuse, or after demand, fail to give a verified detail list of property to the assessor as in this chapter provided, such person for every such act shall be liable to a fine not exceeding three hundred dollars for every such offense when convicted before any justice of the peace thereof.

Sec. 78. Property within the meaning of this act is anything corporal or incorporal which is capable of being sold for value at any place, and includes choses in action, debts, liens, pledges,

mortgages, franchises, stocks in companies and corporations; and the detail list must embrace all of these things, and their value.

Sec. 79. All private property shall be assessed, but so much property as is necessary for the actual use of a family, and all wearing apparel of each person, and family libraries and keepsakes, all schoolhouses and schoolbooks, all public libraries, all church property may be by ordinance exempted from taxation; and all property of the United States, the Territory of Washington, and of the counties and school districts therein, and of the city of Waitsburg, shall be exempt from taxation or assessment.

CHAPTER X.

City Tax Collector, His Powers And Duties.

Sec. 80. The tax collector of the city of Waitsburg, when he shall receive the assessment roll and blank receipts for poll and road poll taxes from the city clerk, shall have the power, and it shall be his duty, to collect all delinquent taxes due to the city, and the assessment roll shall be sufficient warrant and authority for him to do so, by distress and sale of property, in all respects as the county sheriffs in the Territory of Washington can by law do in collecting delinquent county taxes.

Sec. 81. The tax collector, in levying upon and distraining property for city taxes, shall be governed by the same rules as the county sheriffs in the Territory of Washington are governed in levying upon and distraining property for county taxes; and in addition thereto, has power to levy a distress upon the property of any debtor of any delinquent tax payer, not exceeding the amount of the tax, and the debt due.

Sec. 82. The tax collector shall have power, in case he shall find that property has escaped proper assessment by the assessor and treasurer, to, and he shall assess the same property, and add the assessment to the assessment roll.

Sec. 83. The tax collector, in collecting poll tax or road poll tax, must use only the receipts which have been delivered and charged to him by the clerk.

Sec. 84. The tax collector, in case he finds that any person whose name is on the delinquent list has a receipt for his said taxes, shall not proceed further toward the collection of the same, but shall take up said receipt and return it with the tax roll and give said person his receipt in lieu thereof, specifying it as so given.

Sec. 85. The tax collector, in making sale of property levied upon for taxes, shall follow the same rules as govern the county sheriffs under the laws of the territory of Washington, in the sale of property for taxes, as to the mode of giving notice and manner of sale; but the place of sale shall be in the city, and the time may be fixed by ordinance.

Sec. 86. Property sold for city taxes may be bid in by the city, but the real property so sold shall be subject to assessment and tax as before until the time of redemption is past.

Sec. 87. When personal property has been distrained for taxes, no more thereof shall be sold than is sufficient to pay the tax, penalty and costs of sale.

Sec. 88. Sales of personal property for taxes shall convey to the purchaser at the time of the sale all the title which the person owing the tax had at the time of the levy.

Sec. 89. The sales of real property shall convey all the title which the taxpayer had to the property at the time the assessment was made, subject to the conditions subsequent that the owner of the property shall pay the amount bid on the sale, with interest thereon at the rate of two percent, per month from date of sale to date of payment, on or before two years from the date of sale, and if the same is not paid then the title of the purchaser shall become absolute.

Sec. 90. In case the real property sold for taxes has been mortgaged such sale shall convey all the title of the mortgagor and the mortgagee, subject to the redemption as aforesaid by either or both.

Sec. 91. When land sold for taxes is redeemed as aforesaid the person redeeming shall be entitled to the certificate of sale, and if he file the same with the county auditor of Walla Walla county, with his oath attached that he has redeemed the same, then the auditor shall record the same, and such record shall be noticed to all the world that the redemption is made and the tax sale becomes void.

Sec. 92. The tax collector, at the time he shall make his return of assessment roll, shall certify that he has used due diligence to collect the taxes due thereon, and all poll and road poll taxes due the city, and shall also certify to each sale of real property that he has made, and to what persons, and at what price as to any tax, still delinquent, he shall certify to the facts which disabled him from collecting the same; and he shall further certify that he has given such receipt as the city clerk delivered to him in blank, and charged him with, for all poll tax and road poll tax collected by him, and return to the clerk the blank receipts not used by him, and if he does not do so, to state in writing, under oath why he does not.

CHAPTER XI.

Assessment and Taxes – General Provisions.

Sec. 93. The rule for the assessment, levy and collection of taxes, shall be as provided in the provisions of this act as to assessor, clerk, treasurer, tax collector and council on that subject, but the council may modify, change or ordain different rules, or supplement said rules by ordinance.

Sec. 94. The time and place when any act is to be performed, and the duties of all officers as to assessments and taxes, may be as prescribed by ordinances.

Sec. 95. Officers and agents for the collection of taxes may be created by ordinance, and they shall qualify as ordinances provided; and all offices may be filled by the council, except city treasurer.

Sec. 96. Land may be assessed and taxes separate from the improvement thereon.

Sec. 97. The city may elect to bring a civil action for the recovery of any tax, and may attach and garnishee and cause debtors of taxpayers to appear and answer, as in other civil actions, and a judgment therefore shall have the same effect and execution issue thereon, in the same manner, as in other civil actions.

Sec. 98. In actions for the recovery of city tax, it shall be sufficient to state in the complaint the amount due from the taxpayer for the taxes in a certain fiscal year, and evidence that the taxpayer owned property taxable during the year, shall be sufficient for the court to enter judgment for the amount of taxes which would be due, according to the assessment and tax levy of that year, on other property, and no plea of want of assessment or defective assessment or return or omissions of any officer or body to perform its duty, shall be a defense and no evidence shall be admitted of the truth or such plea.

Sec. 99. A civil action may be brought as aforesaid when it has not been discovered that property taxable has not been properly given in, and hence the assessment has not been sufficient, or when by act of the taxpayer the valuation has been too low.

Sec. 100. In such action either party may summon witnesses and examine them as in other cases as to any fact which shows what the tax sued for ought to be according to the rates that other taxpayers paid.

Sec. 101. In case a party has not had notice that he owed a tax until action has been commenced, and he shall pay into court before trial the amount he justly owes, no costs shall be taxed against him, and in case he has had notice thereof and makes payment to the justice of the peace, before whom such action is pending, of what tax he owes, no costs accruing after said payment shall be taxed against him, and he may recover from the city all costs and disbursements which accrue to him after such payment.

CHAPTER XII.

City Electors, Who Are.

Sec. 102. All inhabitants of the city of Waitsburg who are electors under territorial laws, and who have resided in the city thirty days next preceding the election, and have paid a city tax if such tax, either poll or property, has been assessed against him or her for the fiscal year preceding, are electors of said city.

CHAPTER XIII.

City Election.

Sec. 103. An election for mayor, councilmen and treasurer of the city of Waitsburg shall be held annually in the city of Waitsburg, on the first Monday of April of each year; Provided however, That if from any cause said election is not held at the time aforesaid, or if some illegality is found to have existed by which such election is made unlawful and invalid, then the council shall call another election forthwith, upon giving notice as provided in Section 105 of this chapter.

Sec. 104. The election shall be by ballot, at such place or places in said city as may be designated by ordinance, or if for any reason an ordinance does not designate a place where the polls can be or are to be held, then the mayor, for the time being, shall designate a place or places thereof.

Sec. 105. At the time the council or mayor designates the place for holding the polls, or as soon thereafter as possible, the clerk shall issue a notice directed to all electors of the city, of the time of election and place of holding the polls, and said notice shall be published not less than ten days prior to, and immediately preceding the election, said publication may be made by posting the said notice at the door of the house where the council is held and on the bridge across the Touchet river, in the city, and at the door of one of the justices' of the peace office, of the city, or it may be published in any newspaper printed in the city.

Sec. 106. The officers of the polls shall consist of one clerk and two judges, constituting a board of election, a majority of which shall decide all questions which arise at the election, and they shall receive all ballots offered by legal electors and deposit the same in a box securely locked and with an aperture only sufficiently large to admit a ballot, and the clerk shall keep said box securely locked and fastened as aforesaid, until after the election, when it shall be opened in the presence of the said board for the purpose of counting votes.

Sec. 107. As soon as the election is closed, the clerk and judges must proceed to count the votes and tally as is provided by the election laws of the Territory of Washington.

Sec. 108. After the ballots have been counted and tallied, as aforesaid, the clerk shall return the ballots into the secure box, and seal the same in the presence of the judges and return the ballots and box, so sealed, to the city clerk, who shall keep the same as thus sealed for six months, only to be opened and used in case of election contests. At the end of which time, in presence of the mayor, the clerk may break the seal, open the box, and must burn the ballots without any persons inspecting the same.

Sec. 109. The clerk and the judges of election as soon as they have made the tally list, shall affix their affidavit thereto, to the effect that the same shows the true number of votes cast for each candidate.

Sec. 110. The clerk of the election shall immediately enclose and seal said verified tally list and deliver it to the city clerk, who shall keep the same sealed as aforesaid, until the time it shall be

opened at the meeting of the mayor and council for the purpose of determining who has been elected.

Sec. 111. At the first regular meeting of the council after an election, the tally list, as returned by the board of election, shall be opened, and the mayor and council shall determine therefrom who has the greatest number of votes for each office, and after determining the same shall declare such person duly elected thereto, and the mayor and council, in determining who has been elected, shall disregard all defects and omissions of officers and returns which do not effect the truth of the vote as cast, and decide as to who was in fact duly elected, and their judgment is conclusive; and in case the returns and lists are so defective that the truth cannot be ascertained therefrom, they shall certify that fact and the whole matter to a justice of the peace of said city, who shall summon the members of the election board to appear before him to make the count and return definite and certain, so the true vote may be ascertained, and the justice shall enforce the appearance of said board by attachment in case of failure to appear upon summons. All candidates claiming to have been elected, shall be notified to appear on the return day of the summons, and if the members of the board of election can correct the list so as to make it show truly the facts of who was elected, they shall do so in the presence of the justice of the peace, and the justice shall enter the result on his docket, which entry shall be evidence of the facts of who was elected; but in case it cannot be ascertained from the tally sheets as corrected, who was elected, then the justice of the peace shall summons the city clerk to produce the box containing the ballots, which the justice shall cause to be opened and the ballots recounted in his presence, by himself and two assistants, whom he shall call and swear to faithfully assist him; and the justice, after making said examination and counting, and hearing all evidence offered, shall enter a judgment as to which persons were duly elected, and such judgment shall be conclusive.

Sec. 112. In case of a tie vote for any office the mayor and council shall elect one of the persons who has even votes with another or others; a plurality of the council being sufficient to elect, and in case of a tie vote in the council, the mayor to cast the deciding vote.

Sec. 113. When the council shall declare the result of the election, the city clerk shall forthwith issue a certificate of election to the person or persons elected, and when a justice of the peace shall declare the result of an election, as in this act provided, he shall forthwith furnish to the person or persons elected a certified copy of the judgment therein, which certificate or judgment shall be authority to the person receiving the same to qualify and enter upon his duties and the officers elected shall take their offices on the second Monday of April of each year, and at noon of said day, unless they fail to receive their authority as aforesaid, and if any officer elected shall fail to qualify and enter into his duties within ten days after his authority is offered to him, he shall forfeit his office, which shall be immediately filled by appointment by the council, and the manner of qualifying shall be as by ordinance provided.

Sec. 114. The mayor and council may pass ordinances to supply and defect in or failure of elections, or the returns thereof, or make them valid, and in fact cause a fair and honest election of mayor, councilman and treasurer annually, and as near the time mentioned herein as is practicable.

CHAPTER XIV.

Judicial Department.

Sec. 115. Each justice of the peace holding court within the city, in addition to his jurisdiction and powers conferred by statutes under territorial laws, shall have jurisdiction and power to the same extent, and exercised in the same manner, as to all breaches of city ordinance, and the acquittal or conviction of a person of a breach of ordinance, which breach is founded upon the same facts as those which constitute a misdemeanor under the territorial statutes, may be pleaded in bar to a prosecution therefore under the statute and laws.

Sec. 116. The justice of the peace shall perform his ministerial duties as to ordinances according to the provisions thereof.

Sec. 117. The judgments and proceedings of the said justice of the peace may be reviewed in the same manner as in territorial cases.

CHAPTER XV.

Police Department.

Sec. 118. The police force of the city of Waitsburg shall be as provided by ordinance, and each policeman shall be ex-officio constable, and have all the powers which the statutes of the territory give constables, and similar powers as to offenses against ordinances, and in exercising said powers shall be governed by the same rules in making arrests, complaints, imprisonments and performing other duties under city ordinances as constables are governed by in performing similar acts and duties under territorial statutes.

Sec. 119. The jurisdiction and power of police officers shall extend to all places within ten miles of the city of Waitsburg, as well as within the city.

Sec. 120. Policemen shall perform such duties as may be prescribed by ordinance.

CHAPTER XVI.

Amotion From and Vacancies in Office.

Sec. 121. The term of office of the mayor, councilmen and treasurer shall continue for the period of one year after election and until their successors are elected and qualified, unless four-fifths of the council declare the same vacant, and such declaration shall be conclusive as to the vacancy, and shall not be questioned in any court as tot the right to the office, but if any member vote to remove such officer and create a vacancy on malicious and willful grounds alone, he shall forfeit to the party aggrieved one hundred dollars, to be recovered in a civil action.

Sec. 122. When any of said offices from any cause shall become vacant the councilmen remaining in office shall fill the vacancy.

Sec. 123. All other officers and agents of the city of Waitsburg shall be created and governed by ordinance, and may be suspended and removed, and vacancies filled as in this act, or by ordinance prescribed, but no term shall exist in such office or agent which may not be suspended, vacated and filled at the will of the council.

CHAPTER XVII.

Ordinances.

Sec. 123 (124). Each ordinance of the city of Waitsburg shall embrace one general subject only, and that must be embraced in its title, and each ordinance must be numbered in its order.

Sec. 124 (125). The enacting clause of each ordinance shall be, "Be it ordained by the City of Waitsburg," and each resolution, "Be it Resolved by the City of Waitsburg."

Sec. 125 (126). Each ordinance shall have its sections numbered.

Sec. 126 (127). In repealing an ordinance it shall be sufficient to refer to the same by number, and in repealing a section to refer to the number of the ordinance and section, and not less than a section shall be repealed.

Sec. 127 (128). When an ordinance or resolution has passed the council, it shall be engrossed in a well bound book kept for the purpose and signed by the clerk, and in case the mayor approves the same, he shall sign the same as engrossed; if he vetoes the same, he shall mark the work "vetoes", adding the date thereof above his signature.

Sec. 128 (129). In case an ordinance is vetoed the clerk shall present the engrossed copy to the council at its next regular meeting, and the mayor shall, at said meeting, submit his objections to said ordinance in writing, and the council shall cause the same to be entered in the journal, and shall proceed to reconsider the passage of said ordinance, and if, after such reconsideration, four-fifths of the members of the council shall agree to pass the same, it shall become a law, and the clerk shall note on the ordinance "veto not sustained." But if four-fifths of the members do not, after reconsideration, agree to pass the same, then it shall not become a law, and the clerk shall note on the ordinance "veto sustained," which notes shall be subscribed by the clerk with the date of endorsement, and the council shall vote as aforesaid by yeas and nays; Provided, That if the above proceedings are not had in the time above mentioned, they may be consummated at any time within three months from the date of the passage of the ordinance, but not thereafter.

Sec. 129 (130). An ordinance or resolution shall be in force from the time the engrossed ordinance in the book is signed by the clerk and mayor, if the same has not been vetoed, if vetoed, from the time the clerk shall note on the margin, "veto not sustained," as aforesaid.

Sec. 130 (131). The clerk shall keep an index to the ordinance book, which shall show each particular subject legislated upon, and the page upon which the same is to be found, and the same shall be open at all reasonable times to the inspection of all electors.

Sec. 131 (132). When a petition or other preliminary is requisite to the validity of an ordinance, the date, passage and engrossing of the ordinance shall be prima facie proof that the proper petition of preliminary steps were taken for six months after the passage of the ordinance, and after that time conclusive proof thereof.

Sec. 132 (133). The engrossed ordinance or a copy thereof, certified to be a correct copy by the clerk, under the seal of the city, shall be received as conclusive proof of the contents of the ordinance, and of its due passage by all courts; and the courts within the city shall take judicial knowledge of an ordinance without formal proof.

Sec. 133 (134). In prosecution for a breach of ordinance it shall be sufficient to plead the facts constituting the breach, and refer to the number of the ordinance violated.

CHAPTER XVIII.

Miscellaneous Provisions.

Sec. 134 (135). In appropriating private property to public use the mode of procedure shall be as provided by ordinance, but the ordinance must provide that a just compensation shall be paid, and that in the first instance disinterested viewers shall determine and report the amount of compensation, and any party who is interested may by appeal, have the facts as to compensation tried anew and judgment entered, as in other civil actions. Costs to be recovered by the appealing party only in the event of his recovering a verdict more favorable to him than the award.

Sec. 135 (136). The improvement of streets, sidewalks, sewers and bridges, when not made from the proceeds of the general fund, or road fund of the city, shall be made upon assessment of the land abutting the improvement exclusive of improvement on the land, save and except in cases where the improvement of the street has been voluntarily made by owners of abutting property, on each side of the property of some one person when the city may notify the person to make improvements, abutting his property, equal to, and to correspond with the improvement opposite said adjoining property, and unless such person shall comply with such notice the city may make the improvement and recover the costs thereof, from the abutting proprietor.

Sec. 136 (137). All words used in this act denoting sex shall be construed to include either the masculine, feminine or neuter gender in order to make the same applicable to all persons, natural or artificial and words singular or plural shall indicate either according to the subject matter to which they are applied, and the work streets shall include all ways of every description.

Sec. 137 (138). The appointment and a motion of officers shall be deemed a part of the legislative power of the council of Waitsburg, over the officers of the city of Waitsburg, and of its organization, and the council shall create by ordinance, such offices not herein mentioned, as may be necessary to carry out the provisions of this act, and regulate the powers, duties and pay thereof, and shall, at such time as shall be provided by ordinance, elect by vote of the council, persons to fill all the offices of said city, save those elected at the annual election, as in this act provided, and the council shall have the power to elect the county surveyor of the county of

Walla Walla city surveyor of the city of Waitsburg, notwithstanding anything in this act contained to the contrary.

Sec. 138 (139). This act shall not be strictly construed as in derogation of the common law, but shall be liberally construed so as to make every grant of power effective according to the intent of this act.

Sec. 139 (140). This act shall continue the existence of the city of Waitsburg, leave in force all the acts done under the former charter, and all the ordinances of said city until repealed, and shall continue in office all the officers of said city until the officers elected at the next annual election shall qualify and enter into office.

Sec. 140 (141). After this act goes into effect the powers of the city of Waitsburg, and of the officers thereof, shall be as this act provides. The city treasurer for the first year holding his office by appointment from the council, after that time by election as herein provided, and the first annual election shall be held under the preceding charter, and the officers elected thereat, hold their offices for the terms therein defined.

Sec. 141 (142). The fiscal year of the city of Waitsburg under this act shall commence on the first day of June and end on the last day of May in each year.

Sec. 142 (143). Whenever any addition to said city shall be platted and recorded in the office of the county auditor of Walla Walla county as required by law, then and in that case, the city of Waitsburg shall have power by ordinance to include such addition within the corporate limits thereof; Provided, always, That such addition is joined to the already established boundaries of said city.

Sec. 143 (144). The limit of indebtedness of the city of Waitsburg is hereby fixed at one thousand dollars.

Sec. 144 (145). All acts and parts of acts relating to the incorporation of the city of Waitsburg, and not herein reserved and continued are hereby repealed.

Sec. 145 (146). This act to take effect from and after its passage and approval by the governor.

Approved February 4, 1886.