
SENATE BILL 6194

State of Washington

66th Legislature

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By Senator Braun

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1 AN ACT Relating to prohibiting cities and towns from citing the
2 same statutory authority to impose multiple business taxes; amending
3 RCW 35.22.280, 35.23.440, 35.27.370, and 35A.82.020; and creating a
4 new section.

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

6 NEW SECTION. **Sec. 1.** It is the legislature's intent to reaffirm
7 the long-standing constitutional principle that local governments are
8 creatures of statute whose taxing power must be expressly granted by
9 the state legislature. In recent years, some local governments have
10 attempted to circumvent this constitutional framework and impose new
11 taxes without such an express grant of authority, often and
12 repeatedly relying upon the same statute granting local governments
13 business licensing authority. The legislature further reaffirms that
14 it was never the legislature's intent that the power granted many
15 decades ago to issue business licenses would come to be read as a
16 catchall statutory authority for any local government taxing
17 proposition, as doing so subverts the common reading of the statute
18 as well as the state Constitution. Therefore, the legislature intends
19 to grandfather in existing taxes that cite such authority, but
20 require all future local supplementary business taxes to have an
21 explicit statutory basis.

1 **Sec. 2.** RCW 35.22.280 and 2011 c 96 s 25 are each amended to
2 read as follows:

3 Any city of the first class shall have power:

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

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

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

14 (4) To borrow money for corporate purposes on the credit of the
15 corporation, and to issue negotiable bonds therefor, on such
16 conditions and in such manner as shall be prescribed in its charter;
17 but no city shall, in any manner or for any purpose, become indebted
18 to an amount in the aggregate to exceed the limitation of
19 indebtedness prescribed by chapter 39.36 RCW as now or hereafter
20 amended;

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

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

29 (7) To lay out, establish, open, alter, widen, extend, grade,
30 pave, plank, establish grades, or otherwise improve streets, alleys,
31 avenues, sidewalks, wharves, parks, and other public grounds, and to
32 regulate and control the use thereof, and to vacate the same, and to
33 authorize or prohibit the use of electricity at, in, or upon any of
34 said streets, or for other purposes, and to prescribe the terms and
35 conditions upon which the same may be so used, and to regulate the
36 use thereof;

37 (8) To change the grade of any street, highway, or alley within
38 its corporate limits, and to provide for the payment of damages to
39 any abutting owner or owners who shall have built or made other
40 improvements upon such street, highway, or alley at any point

1 opposite to the point where such change shall be made with reference
2 to the grade of such street, highway, or alley as the same existed
3 prior to such change;

4 (9) To authorize or prohibit the locating and constructing of any
5 railroad or street railroad in any street, alley, or public place in
6 such city, and to prescribe the terms and conditions upon which any
7 such railroad or street railroad shall be located or constructed; to
8 provide for the alteration, change of grade, or removal thereof; to
9 regulate the moving and operation of railroad and street railroad
10 trains, cars, and locomotives within the corporate limits of said
11 city; and to provide by ordinance for the protection of all persons
12 and property against injury in the use of such railroads or street
13 railroads;

14 (10) To provide for making local improvements, and to levy and
15 collect special assessments on property benefited thereby, and for
16 paying for the same or any portion thereof;

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

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

3 (13) To determine what work shall be done or improvements made at
4 the expense, in whole or in part, of the owners of the adjoining
5 contiguous, or proximate property, or others specially benefited
6 thereby; and to provide for the manner of making and collecting
7 assessments therefor;

8 (14) To provide for erecting, purchasing, or otherwise acquiring
9 waterworks, within or without the corporate limits of said city, to
10 supply said city and its inhabitants with water, or authorize the
11 construction of same by others when deemed for the best interests of
12 such city and its inhabitants, and to regulate and control the use
13 and price of the water so supplied;

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

20 (16) To establish and regulate markets, and to provide for the
21 weighing, measuring, and inspection of all articles of food and drink
22 offered for sale thereat, or at any other place within its limits, by
23 proper penalties, and to enforce the keeping of proper legal weights
24 and measures by all vendors in such city, and to provide for the
25 inspection thereof. Whenever the words "public markets" are used in
26 this chapter, and the public market is managed in whole or in part by
27 a public corporation created by a city, the words shall be construed
28 to include all real or personal property located in a district or
29 area designated by a city as a public market and traditionally
30 devoted to providing farmers, crafts vendors and other merchants with
31 retail space to market their wares to the public. Property located in
32 such a district or area need not be exclusively or primarily used for
33 such traditional public market retail activities and may include
34 property used for other public purposes including, but not limited
35 to, the provision of human services and low-income or moderate-income
36 housing;

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

39 (18) To provide for establishing and maintaining reform schools
40 for juvenile offenders;

1 (19) To provide for the establishment and maintenance of public
2 libraries, and to appropriate, annually, such percent of all moneys
3 collected for fines, penalties, and licenses as shall be prescribed
4 by its charter, for the support of a city library, which shall, under
5 such regulations as shall be prescribed by ordinance, be open for use
6 by the public;

7 (20) To regulate the burial of the dead, and to establish and
8 regulate cemeteries within or without the corporate limits, and to
9 acquire land therefor by purchase or otherwise; to cause cemeteries
10 to be removed beyond the limits of the corporation, and to prohibit
11 their establishment within two miles of the boundaries thereof;

12 (21) To direct the location and construction of all buildings in
13 which any trade or occupation offensive to the senses or deleterious
14 to public health or safety shall be carried on, and to regulate the
15 management thereof; and to prohibit the erection or maintenance of
16 such buildings or structures, or the carrying on of such trade or
17 occupation within the limits of such corporation, or within the
18 distance of two miles beyond the boundaries thereof;

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

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

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

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

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

1 (27) To fix the rates of wharfage and dockage, and to provide for
2 the collection thereof, and to provide for the imposition and
3 collection of such harbor fees as may be consistent with the laws of
4 the United States;

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

8 (29) To require the owners of public halls or other buildings to
9 provide suitable means of exit; to provide for the prevention and
10 abatement of nuisances, for the cleaning and purification of
11 watercourses and canals, for the drainage and filling up of ponds on
12 private property within its limits, when the same shall be offensive
13 to the senses or dangerous to health; to regulate and control, and to
14 prevent and punish, the defilement or pollution of all streams
15 running through or into its corporate limits, and for the distance of
16 five miles beyond its corporate limits, and on any stream or lake
17 from which the water supply of said city is taken, for a distance of
18 five miles beyond its source of supply; to provide for the cleaning
19 of areas, vaults, and other places within its corporate limits which
20 may be so kept as to become offensive to the senses or dangerous to
21 health, and to make all such quarantine or other regulations as may
22 be necessary for the preservation of the public health, and to remove
23 all persons afflicted with any infectious or contagious disease to
24 some suitable place to be provided for that purpose;

25 (30) To declare what shall be a nuisance, and to abate the same,
26 and to impose fines upon parties who may create, continue, or suffer
27 nuisances to exist;

28 (31) To regulate the selling or giving away of intoxicating,
29 malt, vinous, mixed, or fermented liquors as authorized by the
30 general laws of the state: PROVIDED, That no license shall be granted
31 to any person or persons who shall not first comply with the general
32 laws of the state in force at the time the same is granted;

33 (32) To grant licenses for any lawful purpose, and to fix by
34 ordinance the amount to be paid therefor, and to provide for revoking
35 the same. However, no license shall be granted to continue for longer
36 than one year from the date thereof. A city may not require a
37 business to be licensed based solely upon registration under or
38 compliance with the streamlined sales and use tax agreement. After
39 the effective date of this section, the legislative authority of a
40 city may not authorize a new tax on business activities if the city

1 already imposes a tax on business activities using this section as
2 the basis of constitutionally required state statutory authority;

3 (33) To regulate the carrying on within its corporate limits of
4 all occupations which are of such a nature as to affect the public
5 health or the good order of said city, or to disturb the public
6 peace, and which are not prohibited by law, and to provide for the
7 punishment of all persons violating such regulations, and of all
8 persons who knowingly permit the same to be violated in any building
9 or upon any premises owned or controlled by them;

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

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

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

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

31 **Sec. 3.** RCW 35.23.440 and 2011 c 96 s 26 are each amended to
32 read as follows:

33 The city council of each second-class city shall have power and
34 authority:

35 (1) Ordinances: To make and pass all ordinances, orders, and
36 resolutions not repugnant to the Constitution of the United States or
37 the state of Washington, or the provisions of this title, necessary
38 for the municipal government and management of the affairs of the

1 city, for the execution of the powers vested in said body corporate,
2 and for the carrying into effect of the provisions of this title.

3 (2) License of shows: To fix and collect a license tax, for the
4 purposes of revenue and regulation, on theatres, melodeons, balls,
5 concerts, dances, theatrical, circus, or other performances, and all
6 performances where an admission fee is charged, or which may be held
7 in any house or place where wines or liquors are sold to the
8 participators; also all shows, billiard tables, pool tables, bowling
9 alleys, exhibitions, or amusements.

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

17 (4) Peddlers', etc., licenses: To license, for the purposes of
18 revenue and regulation, tax, prohibit, suppress, and regulate all
19 raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee
20 stands, booths, or sheds; and to regulate as authorized by state law
21 all tippling houses, dram shops, saloons, bars, and barrooms.

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

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

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

32 (8) License generally: To fix and collect a license tax for the
33 purposes of revenue and regulation, upon all occupations and trades,
34 and all and every kind of business authorized by law not heretofore
35 specified. However, on any business, trade, or calling not provided
36 by law to be licensed for state and county purposes, the amount of
37 license shall be fixed at the discretion of the city council, as they
38 may deem the interests and good order of the city may require. A city
39 may not require a business to be licensed based solely upon
40 registration under or compliance with the streamlined sales and use

1 tax agreement. After the effective date of this section, the
2 legislative authority of a city may not authorize a new tax on
3 business activities if the city already imposes a tax on business
4 activities using this section as the basis of constitutionally
5 required state statutory authority.

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

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

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

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

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

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

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

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

38 (17) City commons: To provide for and regulate the commons of the
39 city.

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

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

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

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

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

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

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

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

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

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

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

6 (29) Penalty for violation of ordinances: To provide that
7 violations of ordinances with the punishment for any offense not
8 exceeding a fine of five thousand dollars or imprisonment for up to
9 three hundred sixty-four days, or both fine and imprisonment, but the
10 punishment for any criminal ordinance shall be the same as the
11 punishment provided in state law for the same crime. Alternatively,
12 such a city may provide that a violation of an ordinance constitutes
13 a civil violation subject to monetary penalties or to determine and
14 impose fines for forfeitures and penalties, but no act which is a
15 state crime may be made a civil violation. A violation of an order,
16 regulation, or ordinance relating to traffic including parking,
17 standing, stopping, and pedestrian offenses is a traffic infraction,
18 except that violation of an order, regulation, or ordinance
19 equivalent to those provisions of Title 46 RCW set forth in RCW
20 46.63.020 remains a misdemeanor.

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

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

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

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

1 for streets, avenues, sidewalks, and squares, and to enforce the
2 observance thereof.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 state to be put in a safe condition; to regulate the manner in which
2 stone, brick, and other buildings, party walls, and partition fences
3 shall be constructed and maintained.

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

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

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

27 (53) To provide for the general welfare.

28 **Sec. 4.** RCW 35.27.370 and 2008 c 129 s 3 are each amended to
29 read as follows:

30 The council of said town shall have power:

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

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

1 and to sell and dispose of any and all lots therein, and to operate,
2 improve and maintain the same as a cemetery;

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

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

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

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

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

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

37 (9) To license, for purposes of regulation and revenue, all and
38 every kind of business, authorized by law and transacted and carried
39 on in such town; and all shows, exhibitions and lawful games carried
40 on therein and within one mile of the corporate limits thereof; to

1 fix the rate of license tax upon the same, and to provide for the
2 collection of the same, by suit or otherwise; to regulate, restrain,
3 or prohibit the running at large of any and all domestic animals
4 within the city limits, or any part or parts thereof, and to regulate
5 the keeping of such animals within any part of the city; to
6 establish, maintain and regulate a common pound for estrays, and to
7 appoint a poundkeeper, who shall be paid out of the fines and fees
8 imposed on, and collected from, the owners of any impounded stock. A
9 city may not require a business to be licensed based solely upon
10 registration under or compliance with the streamlined sales and use
11 tax agreement. After the effective date of this section, the
12 legislative authority of a town may not authorize a new tax on
13 business activities if the town already imposes a tax on business
14 activities using this section as the basis of constitutionally
15 required state statutory authority;

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

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

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

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

36 (14) To impose fines, penalties and forfeitures for any and all
37 violations of ordinances, and for any breach or violation of any
38 ordinance, to fix the penalty by fine or imprisonment, or both; but
39 no such fine shall exceed five thousand dollars, nor the term of
40 imprisonment exceed one year, except that the punishment for any

1 criminal ordinance shall be the same as the punishment provided in
2 state law for the same crime; or to provide that violations of
3 ordinances constitute a civil violation subject to a monetary
4 penalty, but no act which is a state crime may be made a civil
5 violation;

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

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

16 **Sec. 5.** RCW 35A.82.020 and 1967 ex.s. c 119 s 35A.82.020 are
17 each amended to read as follows:

18 A code city may exercise the authority authorized by general law
19 for any class of city to license and revoke the same for cause, to
20 regulate, make inspections and to impose excises for regulation or
21 revenue in regard to all places and kinds of business, production,
22 commerce, entertainment, exhibition, and upon all occupations, trades
23 and professions and any other lawful activity: PROVIDED, That no
24 license or permit to engage in any such activity or place shall be
25 granted to any who shall not first comply with the general laws of
26 the state.

27 No such license shall be granted to continue for longer than a
28 period of one year from the date thereof and no license or excise
29 shall be required where the same shall have been preempted by the
30 state, nor where exempted by the state, including, but not limited
31 to, the provisions of RCW 36.71.090 and chapter 73.04 RCW relating to
32 veterans.

33 After the effective date of this section, the legislative
34 authority of a code city may not authorize a new tax on business
35 activities if the code city already imposes a tax on business
36 activities using this section as the basis of constitutionally
37 required state statutory authority.

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