Chapter 35.02 RCW
INCORPORATION PROCEEDINGS

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Combined city and county municipal corporations: State Constitution Art. 11 s 16 (Amendment 58).

Fire protection districts, effect upon: Chapter 52.22 RCW.

Incorporation of municipalities: State Constitution Art. 11 s 10 (Amendment 40).

Incorporation proceedings exempt from State Environmental Policy Act: RCW 36.93.170, 43.21C.220.

RCW 35.02.001 Actions subject to review by boundary review board. The incorporation of a city or town is subject to review by a boundary review board under chapter 36.93 RCW if a boundary review board exists in the county in which all or any portion of the territory proposed to be incorporated is located. [1994 c 216 s 11; 1989 c 84 s 25.]

Effective date—1994 c 216: See note following RCW 35.02.015.

RCW 35.02.005 Purpose. The purpose of chapter 35.02 RCW is to provide a clear and uniform process for the incorporation of cities or

towns operating under either Title 35 or 35A RCW. An incorporation may result in the creation of a second-class city or town operating under Title 35 RCW or a noncharter code city operating under Title 35A RCW. [1994 c 81 s 6; 1986 c 234 s 1.]

RCW 35.02.010 Authority for incorporation—Number of inhabitants required. ***(Effective until June 30, 2028.)*** Any contiguous area containing not less than 1,500 inhabitants lying outside the limits of an incorporated city or town may become incorporated as a city or town operating under Title 35 or 35A RCW as provided in this chapter. [2023 c 82 s 1; 1994 c 216 s 12; 1986 c 234 s 2; 1969 c 48 s 1; 1965 c 7 s 35.02.010. Prior: 1963 c 57 s 1; 1890 p 131 s 1; 1888 p 221 s 1; 1877 p 173 s 1; 1871 p 51 s 1; RRS s 8883.]

Expiration date—2023 c 82 s 1: "Section 1 of this act expires June 30, 2028." [2023 c 82 s 3.]

Effective date—1994 c 216: See note following RCW 35.02.015.

Validation of certain incorporations and annexations—Municipal corporations of the fourth class—1961 ex.s. c 16: See note following RCW 35.21.010.

Validating—1899 c 61: "Any municipal corporation which has been incorporated under the existing laws of this state shall be a valid municipal corporation notwithstanding a failure to publish the notice of the election held or to be held for the purpose of determining whether such city should or shall become incorporated, for the length of time required by law governing such incorporation: PROVIDED, A notice fulfilling in other respects the requirements of law shall have been published for one week prior to such election in a newspaper printed and published within the boundaries of the corporation." [1899 c 61 p 103 s 1.]

Validating—1893 c 80: "The incorporation of all cities and towns in this state heretofore had or attempted under sections one, two and three of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency,' approved March 24, 1890, and the reincorporation of all cities and towns in this state heretofore had or attempted under sections one, four and five of said act, under which attempted incorporation or reincorporation an organized government has been maintained since the date thereof, is hereby for all purposes declared legal and valid, and such cities and towns are hereby declared duly incorporated. And all contracts and obligations heretofore made, entered into or incurred by any such city or town so incorporated or reincorporated are hereby declared legal and valid and of full force and effect." [1893 c 80 p 183 s 1.]

Validating—1890 c 7: "When so incorporated, the debts due from such town, village or city to any person, firm or corporation may be assumed and paid by the municipal authorities of such town, village or city; and all debts due to such town, village or city from any person, firm or corporation shall be deemed ratified, and may be collected in

the same manner and in all respects as though such original incorporation were valid." [1890 c 7 p 136 s 7.]

RCW 35.02.010 Authority for incorporation—Number of inhabitants required. ***(Effective June 30, 2028.)*** Any contiguous area containing not less than 1,500 inhabitants lying outside the limits of an incorporated city or town may become incorporated as a city or town operating under Title 35 or 35A RCW as provided in this chapter: PROVIDED, That no area which lies within five air miles of the boundary of any city having a population of 15,000 or more shall be incorporated which contains less than 3,000 inhabitants. [2023 c 82 s 2; 1994 c 216 s 12; 1986 c 234 s 2; 1969 c 48 s 1; 1965 c 7 s 35.02.010. Prior: 1963 c 57 s 1; 1890 p 131 s 1; 1888 p 221 s 1; 1877 p 173 s 1; 1871 p 51 s 1; RRS s 8883.]

Effective date—2023 c 82 s 2: "Section 2 of this act takes effect June 30, 2028." [2023 c 82 s 4.]

Effective date—1994 c 216: See note following RCW 35.02.015.

Validation of certain incorporations and annexations—Municipal corporations of the fourth class—1961 ex.s. c 16: See note following RCW 35.21.010.

Validating—1899 c 61: "Any municipal corporation which has been incorporated under the existing laws of this state shall be a valid municipal corporation notwithstanding a failure to publish the notice of the election held or to be held for the purpose of determining whether such city should or shall become incorporated, for the length of time required by law governing such incorporation: PROVIDED, A notice fulfilling in other respects the requirements of law shall have been published for one week prior to such election in a newspaper printed and published within the boundaries of the corporation." [1899 c 61 p 103 s 1.]

Validating—1893 c 80: "The incorporation of all cities and towns in this state heretofore had or attempted under sections one, two and three of an act entitled 'An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency,' approved March 24, 1890, and the reincorporation of all cities and towns in this state heretofore had or attempted under sections one, four and five of said act, under which attempted incorporation or reincorporation an organized government has been maintained since the date thereof, is hereby for all purposes declared legal and valid, and such cities and towns are hereby declared duly incorporated. And all contracts and obligations heretofore made, entered into or incurred by any such city or town so incorporated or reincorporated are hereby declared legal and valid and of full force and effect." [1893 c 80 p 183 s 1.]

Validating—1890 c 7: "When so incorporated, the debts due from such town, village or city to any person, firm or corporation may be assumed and paid by the municipal authorities of such town, village or city; and all debts due to such town, village or city from any person, firm or corporation shall be deemed ratified, and may be collected in

the same manner and in all respects as though such original incorporation were valid." [1890 c 7 p 136 s 7.]

RCW 35.02.015 Proposed incorporations—Notice to county—Boundary review board hearing. Any person proposing the incorporation of a city or town shall file a notice of the proposed incorporation with the county legislative authority of the county in which all or the major portion of the proposed city or town is located. The notice shall include the matters required to be included in the incorporation petition under RCW 35.02.030 and be accompanied by both a one hundred dollar filing fee and an affidavit from the person stating that he or she is a registered voter residing in the proposed city or town.

The county legislative authority shall promptly notify the boundary review board of the proposed incorporation, which shall hold a public meeting on the proposed incorporation within thirty days of the notice being filed where persons favoring and opposing the proposed incorporation may state their views. If a boundary review board does not exist in the county, the county legislative authority shall provide the public meeting. The public meeting shall be held at a location in or near the proposed city or town. Notice of the public meeting shall be published in a newspaper of general circulation in the area proposed to be incorporated at least once ten days prior to the public meeting. [1994 c 216 s 1.]

Effective date—1994 c 216: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 1, 1994]." [1994 c 216 s 21.]

RCW 35.02.017 County auditor shall provide identification number. Within one working day after the public meeting under RCW 35.02.015, the county auditor shall provide an identification number for the incorporation effort to the person who made the notice of proposing the incorporation. The identification number shall be included on the petition proposing the incorporation.

The petition proposing the incorporation may retain the proposed boundaries and other matters as described in the notice, or may alter the proposed boundaries and other matters. [1994 c 216 s 2.]

Effective date—1994 c 216: See note following RCW 35.02.015.

RCW 35.02.020 Petition for incorporation—Signatures—Filing deadline. A petition for incorporation must be signed by registered voters resident within the limits of the proposed city or town equal in number to at least ten percent of the number of voters residing within the proposed city or town and filed with the auditor of the county in which all, or the largest portion of, the proposed city or town is located. The petition must be filed with the auditor by no later than one hundred eighty days after the date the public meeting on the proposed incorporation was held under RCW 35.02.015, or the next regular business day following the one hundred eightieth day if the one hundred eightieth day is not a regular business day. [1994 c 216 s 4; 1986 c 234 s 3; 1965 c 7 s 35.02.020. Prior: 1957 c 173 s 2;

prior: 1953 c 219 s 1; 1890 p 131 s 2, part; 1888 p 221 ss 1, 2, part; 1877 p 173 ss 1, 2, part; 1871 p 51 s 1, part; RRS s 8884, part.]

Effective date—1994 c 216: See note following RCW 35.02.015.

RCW 35.02.030 Petition for incorporation—Contents. The petition for incorporation shall: (1) Indicate whether the proposed city or town shall be a noncharter code city operating under Title 35A RCW, or a city or town operating under Title 35 RCW; (2) indicate the form or plan of government the city or town is to have; (3) set forth and particularly describe the proposed boundaries of the proposed city or town; (4) state the name of the proposed city or town; (5) state the number of inhabitants therein, as nearly as may be; and (6) pray that the city or town be incorporated. The petition shall conform to the requirements for form prescribed in RCW 35A.01.040. The petition shall include the identification number provided under RCW 35.02.017 and state the last date by which the petition may be filed, as determined under RCW 35.02.020.

If the proposed city or town is located in more than one county, the petition shall be prepared in such a manner as to indicate the different counties within which the signators reside.

A city or town operating under Title 35 RCW may have a mayor/council, council/manager, or commission form of government. A city operating under Title 35A RCW may have a mayor/council or council/manager plan of government.

If the petition fails to specify the matters described in subsection (1) of this section, the proposal shall be to incorporate as a noncharter code city. If the petition fails to specify the matter described in subsection (2) of this section, the proposal shall be to incorporate with a mayor/council form or plan of government. [1994 c 216 s 3; 1986 c 234 s 4; 1965 c 7 s 35.02.030. Prior: 1957 c 173 s 3; prior: 1953 c 219 s 2; 1890 p 131 s 2, part; 1888 p 221 ss 1, 2, part; 1877 p 173 ss 1, 2, part; 1871 p 51 s 1, part; RRS s 8884, part.]

Effective date—1994 c 216: See note following RCW 35.02.015.

RCW 35.02.035 Petition—Auditor's duties. The county auditor shall within thirty days from the time of receiving said petition determine if the petition contains a sufficient number of valid signatures. If the proposed city or town is located in more than one county, the auditor shall immediately transmit a copy of the petition to the auditor of the other county or counties within which the proposed city or town is located. Each of these other county auditors shall certify the number of valid signatures thereon of voters residing in the county and transmit the certification to the auditor of the county with whom the petition was originally filed. This auditor shall determine if the petition contains a sufficient number of valid signatures. If the petition is certified as having sufficient valid signatures, the county auditor shall transmit said petition, accompanied by the certificate of sufficiency, to the county legislative authority or authorities of the county or counties within which the proposed city or town is located. [1986 c 234 s 5; 1965 c 7 s 35.02.035. Prior: 1953 c 219 s 8.]

RCW 35.02.037 Petition—Notice of certification. The county auditor who certifies the sufficiency of the petition shall notify the person or persons who submitted the petition of its sufficiency within five days of when the determination of sufficiency is made. Notice shall be by certified mail and may additionally be made by telephone. If a boundary review board or boards exists in the county or counties in which the proposed city or town is located, the petitioners shall file notice of the proposed incorporation with the boundary review board or boards. [1986 c 234 s 6.]

RCW 35.02.039 Public hearing—Time limitations. (1) The county legislative authority of the county in which the proposed city or town is located shall hold a public hearing on the proposed incorporation if no boundary review board exists in the county. The public hearing shall be held within sixty days of when the county auditor notifies the legislative authority of the sufficiency of the petition if no boundary review board exists in the county, or within ninety days of when notice of the proposal is filed with the boundary review board if the boundary review board fails to take jurisdiction over the proposal. The public hearing may be continued to other days, not extending more than sixty days beyond the initial hearing date. If the boundary review board takes jurisdiction, the county legislative authority shall not hold a public hearing on the proposal.

(2) If the proposed city or town is located in more than one county, a public hearing shall be held in each of the counties by the county legislative authority or boundary review board. Joint public hearings may be held by two or more county legislative authorities, or two or more boundary review boards. [1994 c 216 s 14; 1986 c 234 s 7.]

Effective date—1994 c 216: See note following RCW 35.02.015.

RCW 35.02.040 Public hearing—Publication of notice. Notice of the public hearing by the county legislative authority on the proposed incorporation shall be by one publication in not more than ten nor less than three days prior to the date set for said hearing in one or more newspapers of general circulation within the area proposed to be incorporated. Said notice shall contain the time and place of said hearing. [1986 c 234 s 8; 1965 c 7 s 35.02.040. Prior: 1957 c 173 s 4; prior: 1953 c 219 s 3; 1890 p 131 s 2, part; 1888 p 221 ss 1, 2, part; 1877 p 173 ss 1, 2, part; 1871 p 51 s 1, part; RRS s 8884, part.]

RCW 35.02.070 Public hearing by county legislative authority—Establishment of boundaries—Limitations. (1) If a county legislative authority holds a public hearing on a proposed incorporation, it shall establish and define the boundaries of the proposed city or town, being authorized to decrease or increase the area proposed in the petition under the same restrictions that a boundary review board may modify the proposed boundaries. The county legislative authority, or the boundary review board if it takes jurisdiction, shall determine the number of inhabitants within the boundaries it has established.

(2) A county legislative authority shall disapprove the proposed incorporation if, without decreasing the area proposed in the petition, it does not conform with RCW 35.02.010. A county legislative authority may not otherwise disapprove a proposed incorporation.

(3) A county legislative authority or boundary review board has jurisdiction only over that portion of a proposed city or town located within the boundaries of the county. [1994 c 216 s 17; 1986 c 234 s 9; 1975 1st ex.s. c 220 s 3; 1965 c 7 s 35.02.070. Prior: 1963 c 57 s 2; 1957 c 173 s 7; prior: 1890 p 131 s 2, part; 1888 p 221 ss 1, 2, part; 1877 p 173 ss 1, 2, part; 1871 p 51 s 1, part; RRS s 8884, part.]

Effective date—1994 c 216: See note following RCW 35.02.015.

Legislative finding, intent—1975 1st ex.s. c 220: See note following RCW 35.02.170.

Incorporation subject to approval by boundary review board: RCW 36.93.090.

RCW 35.02.078 Elections—Question of incorporation—Nomination and election of officers. An election shall be held in the area proposed to be incorporated to determine whether the proposed city or town shall be incorporated when the boundary review board takes action on the proposal other than disapproving the proposal, or if the county legislative authority does not disapprove the proposal as provided in RCW 35.02.070. Voters at this election shall determine if the area is to be incorporated.

The initial election on the question of incorporation shall be held at the next special election date specified in RCW 29A.04.330 that occurs sixty or more days after the final public hearing by the county legislative authority or authorities, or action by the boundary review board or boards. The county legislative authority or authorities shall call for this election and, if the incorporation is approved, shall call for other elections to elect the elected officials as provided in this section. If the vote in favor of the incorporation receives forty percent or less of the total vote on the question of incorporation, no new election on the question of incorporation for the area or any portion of the area proposed to be incorporated may be held for a period of three years from the date of the election in which the incorporation failed.

If the incorporation is authorized as provided by RCW 35.02.120, separate elections shall be held to nominate and elect persons to fill the various elective offices prescribed by law for the population and type of city or town, and to which it will belong. The primary election to nominate candidates for these elective positions shall be held at the next special election date, as specified in RCW 29A.04.330, that occurs sixty or more days after the election on the question of incorporation. The election to fill these elective positions shall be held at the next special election date, as specified in RCW 29A.04.330, that occurs thirty or more days after certification of the results of the primary election. [2015 c 53 s 17; 1994 c 216 s 18; 1986 c 234 s 10.]

Effective date—1994 c 216: See note following RCW 35.02.015.

RCW 35.02.086 Elections—Candidates—Filing—Withdrawal—Ballot position. Each candidate for a city or town elective position shall file a declaration of candidacy with the county auditor of the county in which all or the major portion of the city or town is located not more than sixty days nor less than forty-five days prior to the primary election at which the initial elected officials are nominated. The elective positions shall be as provided in law for the type of city or town and form or plan of government specified in the petition to incorporate, and for the population of the city or town as determined by the county legislative authority or boundary review board where applicable. Any candidate may withdraw his or her declaration at any time within five days after the last day allowed for filing a declaration of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of offices for which they are candidates. Names of candidates printed upon the ballot need not be rotated. [2009 c 107 s 5; 2006 c 344 s 20; 1986 c 234 s 11; 1965 c 7 s 35.02.086. Prior: 1953 c 219 s 9.]

Effective date—2009 c 107: See note following RCW 28A.343.300.

Effective date—2006 c 344 ss 1-16 and 18-40: See note following RCW 29A.04.311.

RCW 35.02.090 Elections—Conduct—Voters' qualifications. The elections on the proposed incorporation and for the nomination and election of the initial elected officials shall be conducted in accordance with the general election laws of the state, except as provided in this chapter. No person is entitled to vote thereat unless he or she is a qualified elector of the county, or any of the counties in which the proposed city or town is located, and has resided within the limits of the proposed city or town for at least thirty days next preceding the date of election. [1986 c 234 s 12; 1965 c 7 s 35.02.090. Prior: 1890 p 133 s 3, part; RRS s 8885, part.]

RCW 35.02.100 Election on question of incorporation—Notice—Contents. The notice of election on the question of the incorporation shall be given as provided by RCW 29A.52.355 and shall describe the boundaries of the proposed city or town, its name, and the number of inhabitants ascertained by the county legislative authority or the boundary review board to reside in it. [2015 c 53 s 18; 1986 c 234 s 13; 1965 c 7 s 35.02.100. Prior: 1957 c 173 s 9; prior: 1953 c 219 s 5; 1890 p 131 s 2, part; 1888 p 221 ss 1, 2, part; 1877 p 173 ss 1, 2, part; 1871 p 51 s 1, part; RRS s 8884, part.]

RCW 35.02.110 Election on question of incorporation—Ballots. The ballots in the initial election on the question of incorporation shall contain the words "for incorporation" and "against incorporation" or words equivalent thereto. [1986 c 234 s 14; 1965 c 7 s 35.02.110. Prior: 1957 c 173 s 10; prior: 1890 p 131 s 2, part; 1888 p 221 ss 1, 2, part; 1877 p 173 ss 1, 2, part; 1871 p 51 s 1, part; RRS s 8884, part.]

RCW 35.02.120 Election on question of incorporation—Certification of results. If the results reveal that a majority of the votes cast are for incorporation, the city or town shall become incorporated as provided in RCW 35.02.130. If the proposed city or town is located in more than one county, the auditors of the county or counties in which the smaller portion or portions of the proposed city or town is located shall forward a certified copy of the election results to the auditor of the county within which the major portion is located. This auditor shall add these totals to the totals in his or her county and certify the results to each of the county legislative authorities. [1986 c 234 s 15; 1965 c 7 s 35.02.120. Prior: 1953 c 219 s 6; 1890 p 133 s 3, part; RRS s 8885, part.]

Canvassing returns, generally: Chapter 29A.60 RCW.

Conduct of elections—Canvass: RCW 29A.60.010.

RCW 35.02.125 Newly incorporated city or town—Liability for costs of elections. A newly incorporated city or town shall be liable for its proportionate share of the costs of all elections, after the election on whether the area should be incorporated, at which an issue relating to the city or town is placed before the voters, as if the city or town was in existence after the election at which voters authorized the area to incorporate. [1991 c 360 s 2.]

RCW 35.02.130 Newly incorporated city or town—Effective date of incorporation—Powers during interim period—Terms of elected officers—First municipal election. The city or town officially shall become incorporated at a date from 180 days to 360 days after the date of the election on the question of incorporation. An interim period shall exist between the time the newly elected officials have been elected and qualified and this official date of incorporation. During this interim period, the newly elected officials are authorized to adopt ordinances and resolutions which shall become effective on or after the official date of incorporation, and to enter into contracts and agreements to facilitate the transition to becoming a city or town and to ensure a continuation of governmental services after the official date of incorporation. Periods of time that would be required to elapse between the enactment and effective date of such ordinances, including but not limited to times for publication or for filing referendums, shall commence upon the date of such enactment as though the city or town were officially incorporated.

During this interim period, the city or town governing body may adopt rules establishing policies and procedures under the state environmental policy act, chapter 43.21C RCW, and may use these rules and procedures in making determinations under the state environmental policy act, chapter 43.21C RCW.

During this interim period, the newly formed city or town and its governing body shall be subject to the following as though the city or town were officially incorporated: RCW 4.24.470 relating to immunity; Title 29B RCW relating to open government; chapter 42.56 RCW relating to public records; chapter 40.14 RCW relating to the preservation and disposition of public records; chapters 42.20 and 42.23 RCW relating to ethics and conflicts of interest; chapters 42.30 and *42.32 RCW

relating to open public meetings and minutes; RCW 35.22.288, 35.23.221, 35.27.300, 35A.12.160, as appropriate, and chapter 35A.65 RCW relating to the publication of notices and ordinances; RCW 35.21.875 and 35A.21.230 relating to the designation of an official newspaper; RCW 36.16.138 relating to liability insurance; RCW 35.22.620, 35.23.352, and 35A.40.210, as appropriate, and statutes referenced therein relating to public contracts and bidding; and chapter 39.34 RCW relating to interlocal cooperation. Tax anticipation or revenue anticipation notes or warrants and other short-term obligations may be issued and funds may be borrowed on the security of these instruments during this interim period, as provided in chapter 39.50 RCW. Funds also may be borrowed from federal, state, and other governmental agencies in the same manner as if the city or town were officially incorporated.

RCW 84.52.020 and 84.52.070 shall apply to the extent that they may be applicable, and the governing body of such city or town may take appropriate action by ordinance during the interim period to adopt the property tax levy for its first full calendar year following the interim period.

The governing body of the new city or town may acquire needed facilities, supplies, equipment, insurance, and staff during this interim period as if the city or town were in existence. An interim city manager or administrator, who shall have such administrative powers and duties as are delegated by the governing body, may be appointed to serve only until the official date of incorporation. After the official date of incorporation the governing body of such a new city organized under the council manager form of government may extend the appointment of such an interim manager or administrator with such limited powers as the governing body determines, for up to 90 days. This governing body may submit ballot propositions to the voters of the city or town to authorize taxes to be collected on or after the official date of incorporation, or authorize an annexation of the city or town by a fire protection district or library district to be effective immediately upon the effective date of the incorporation as a city or town.

The boundaries of a newly incorporated city or town shall be deemed to be established for purposes of RCW 84.09.030 on the date that the results of the initial election on the question of incorporation are certified or the first day of January following the date of this election if the newly incorporated city or town does not impose property taxes in the same year that the voters approve the incorporation.

The newly elected officials shall take office immediately upon their election and qualification with limited powers during this interim period as provided in this section. They shall acquire their full powers as of the official date of incorporation and shall continue in office until their successors are elected and qualified at the next general municipal election after the official date of incorporation: PROVIDED, That if the date of the next general municipal election is less than 12 months after the date of the first election of councilmembers, those initially elected councilmembers shall serve until their successors are elected and qualified at the next following general municipal election as provided in RCW 29A.60.280. For purposes of this section, the general municipal election shall be the date on which city and town general elections are held throughout the state of Washington, pursuant to RCW 29A.04.330.

In any newly incorporated city that has adopted the council-manager form of government, the term of office of the mayor, during the interim period only, shall be set by the council, and thereafter shall be as provided by law.

The official date of incorporation shall be on a date from 180 to 360 days after the date of the election on the question of incorporation, as specified in a resolution adopted by the governing body during this interim period. A copy of the resolution shall be filed with the county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located. If the governing body fails to adopt such a resolution, the official date of incorporation shall be 360 days after the date of the election on the question of incorporation. The county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located shall file a notice with the county assessor that the city or town has been authorized to be incorporated immediately after the favorable results of the election on the question of incorporation have been certified. The county legislative authority shall file a notice with the secretary of state that the city or town is incorporated as of the official date of incorporation. [2024 c 164 s 509; 2011 c 60 s 15; 2005 c 274 s 263; 1997 c 361 s 11; 1994 c 154 s 308; 1991 c 360 s 3; 1986 c 234 s 16; 1965 c 7 s 35.02.130. Prior: 1953 c 219 s 7; 1890 p 133 s 3, part; RRS s 8885, part.]

***Reviser's note:** The only section in chapter 42.32 RCW, RCW 42.32.030, was recodified as RCW 42.30.035 pursuant to 2017 3rd sp.s. c 25 s 30.

Intent—Construction—Rules remain valid—Effective date—2024 c 164: See notes following RCW 29B.10.010.

Effective date—2011 c 60: See note following RCW 29B.20.030.

Effective date—1994 c 154: See RCW 42.52.904.

Times for holding elections: RCW 29A.04.311 through 29A.04.330.

RCW 35.02.132 Newly incorporated city or town—Budgets. The newly elected officials shall adopt an interim budget for the interim period or until January 1 of the following year, whichever occurs first. A second interim budget shall be adopted for any period between January 1 and the official date of incorporation. These interim budgets shall be adopted in consultation with the state auditor.

The governing body shall adopt a budget for the newly incorporated city or town for the period between the official date of incorporation and January 1 of the following year. The mayor or governing body, whichever is appropriate shall prepare or the governing body may direct the interim city manager to prepare a preliminary budget in detail to be made public at least sixty days before the official date of incorporation as a recommendation for the final budget. The mayor, governing body, or the interim city manager shall submit as a part of the preliminary budget a budget message that contains an explanation of the budget document, an outline of the recommended financial policies and programs of the city or town for the ensuing fiscal year, and a statement of the relation of the

recommended appropriation to such policies and programs. Immediately following the release of the preliminary budget, the governing body shall cause to be published a notice once each week for two consecutive weeks of a public hearing to be held at least twenty days before the official date of incorporation on the fixing of the final budget. Any taxpayer may appear and be heard for or against any part of the budget. The governing body may make such adjustments and changes as it deems necessary and may adopt the final budget at the conclusion of the public hearing or at any time before the official date of incorporation. [1995 c 301 s 33; 1991 c 360 s 4.]

RCW 35.02.135 Newly incorporated city or town—May borrow from municipal sales and use tax equalization account. Upon the certification of election of officers, the governing body may by resolution borrow money from the municipal sales and use tax equalization account, up to one hundred thousand dollars or five dollars per capita based on the population estimate required by RCW 35.02.030, whichever is less.

The loan authorized by this section shall be repaid over a three-year period. The state treasurer shall withhold moneys from the funds otherwise payable to the city or town that has obtained such a loan, either from the municipal sales and use tax equalization account or from sales and use tax entitlements otherwise distributable to such city or town, so that the account is fully reimbursed over the three-year period. The state treasurer shall adopt by rule procedures to accomplish the purpose of this section on a reasonable and equitable basis over the three-year period. [1991 c 360 s 5.]

RCW 35.02.137 Newly incorporated city or town—Moratoria on development permits and approvals. During the interim period, the governing body of the newly formed city or town may adopt resolutions establishing moratoria during the interim transition period on the filing of applications with the county for development permits or approvals, including, but not limited [to], subdivision approvals, short subdivision approvals, and building permits. [1991 c 360 s 11.]

RCW 35.02.139 Newly incorporated city or town—First general election of councilmembers or commissioners—Initial, subsequent terms. An election shall be held to elect city or town elected officials at the next municipal general election occurring more than twelve months after the date of the first election of councilmembers or commissioners. Candidates shall run for specific council or commission positions. The staggering of terms of members of the city or town council shall be established at this election, where the simple majority of the persons elected as councilmembers receiving the greatest numbers of votes shall be elected to four-year terms of office and the remainder of the persons elected as councilmembers shall be elected to two-year terms of office. Newly elected councilmembers or newly elected commissioners shall serve until their successors are elected and qualified. The terms of office of newly elected commissioners shall not be staggered, as provided in chapter 35.17 RCW. All councilmembers and commissioners who are elected subsequently shall be elected to four-year terms of office and shall

serve until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280. [2015 c 53 s 19; 1994 c 223 s 9.]

RCW 35.02.140 Disposition of uncollected road district taxes. Whenever in any territory forming a part of an incorporated city or town which is part of a road district, and road district regular property taxes are collectable on any property within such territory, the same shall, when collected by the county treasurer, be paid to such city or town and placed in the city or town street fund by the city or town; except that road district taxes that are delinquent before the date of incorporation shall be paid to the county and placed in the county road fund. This section shall not apply to excess property tax levies securing general indebtedness or any special assessments due in behalf of such property. [2001 c 299 s 1; 1986 c 234 s 20; 1965 c 7 s 35.02.140. Prior: 1957 c 180 s 1.]

County road districts: RCW 36.75.060.

RCW 35.02.150 Pending final disposition of petition no other petition for incorporation to be acted upon—Withdrawal or substitution—Action on petition for annexation authorized. After the filing of any petition for incorporation with the county auditor, and pending its final disposition as provided for in this chapter, no other petition for incorporation which embraces any of the territory included therein shall be acted upon by the county auditor, the county legislative authority, or the boundary review board, or by any other public official or body that might otherwise be empowered to receive or act upon such a petition: PROVIDED, That any petition for incorporation may be withdrawn by a majority of the signers thereof at any time before such petition has been certified by the county auditor to the county legislative authority: PROVIDED FURTHER, That a new petition may be substituted therefor that embraces other or different boundaries, incorporation as a city or town operating under a different title of law, or for incorporation as a city or town operating under a different plan or form of government, by a majority of the signers of the original incorporation petition, at any time before the original petition has been certified by the county auditor to the county legislative authority, in which case the same proceedings shall be taken as in the case of an original petition. A boundary review board, county auditor, county legislative authority, or any other public official or body may act upon a petition for annexation before considering or acting upon a petition for incorporation which embraces some or all of the same territory, without regard to priority of filing. [1986 c 234 s 23; 1982 c 220 s 3; 1973 1st ex.s. c 164 s 1; 1965 c 7 s 35.02.150. Prior: 1961 c 200 s 1.]

Severability—1982 c 220: See note following RCW 36.93.100.

RCW 35.02.155 Effect of proposed annexation on petition. For a period of ninety days after a petition proposing the incorporation of a city or town is filed with the county auditor, a petition or

resolution proposing the annexation of any portion of the territory included in the incorporation proposal may be filed or adopted and the proposed annexation may continue following the applicable statutory procedures. Territory that ultimately is annexed, as a result of the filing of such an annexation petition or adoption of such an annexation resolution during this ninety-day period, shall be withdrawn from the incorporation proposal.

A proposed annexation of a portion of the territory included within the proposed incorporation, that is initiated by the filing of an annexation petition or adoption of an annexation resolution after this ninety-day period, shall be held in abeyance and may not occur unless: (1) The boundary review board modifies the boundaries of the proposed incorporation to remove the territory from the proposed incorporation; (2) the boundary review board rejects the proposed incorporation and the proposed city or town has a population of less than seven thousand five hundred; or (3) voters defeat the ballot proposition authorizing the proposed incorporation. [1994 c 216 s 5.]

Effective date—1994 c 216: See note following RCW 35.02.015.

RCW 35.02.160 Cancellation, acquisition of franchise or permit for operation of public service business in territory incorporated—Regulation of solid waste collection. The incorporation of any territory as a city or town shall cancel, as of the effective date of such incorporation, any franchise or permit theretofore granted to any person, firm or corporation by the state of Washington, or by the governing body of such incorporated territory, authorizing or otherwise permitting the operation of any public transportation, garbage disposal or other similar public service business or facility within the limits of the incorporated territory, but the holder of any such franchise or permit canceled pursuant to this section shall be forthwith granted by the incorporating city or town a franchise to continue such business within the incorporated territory for a term of not less than the remaining term of the original franchise or permit, or not less than seven years, whichever is the shorter period, and the incorporating city or town, by franchise, permit or public operation, shall not extend similar or competing services to the incorporated territory except upon a proper showing of the inability or refusal of such person, firm or corporation to adequately service said incorporated territory at a reasonable price: PROVIDED, That the provisions of this section shall not preclude the purchase by the incorporating city or town of said franchise, business, or facilities at an agreed or negotiated price, or from acquiring the same by condemnation upon payment of damages, including a reasonable amount for the loss of the franchise or permit. In the event that any person, firm or corporation whose franchise or permit has been canceled by the terms of this section shall suffer any measurable damages as a result of any incorporation pursuant to the provisions of chapter 35.02 RCW, such person, firm or corporation shall have a right of action against any city or town causing such damages.

After the incorporation of any city or town, the utilities and transportation commission shall continue to regulate solid waste collection within the limits of the incorporated city or town until such time as the city or town notifies the commission, in writing, of its decision to contract for solid waste collection or provide solid

waste collection itself pursuant to RCW 81.77.020. In the event the incorporated city or town at any time decides to contract for solid waste collection or decides to undertake solid waste collection itself, the holder of any such franchise or permit that is so canceled in whole or in part shall be forthwith granted by the incorporated city or town a franchise to continue such business within the incorporated territory for a term of not less than the remaining term of the original franchise or permit, or not less than seven years, whichever is the shorter period, and the incorporated city or town, by franchise, permit, or public operation, shall not extend similar or competing services to the incorporated territory except upon a proper showing of the inability or refusal of such person, firm, or corporation to adequately service the incorporated territory at a reasonable price. Upon the effective date specified by the city or town council's ordinance or resolution to have the city or town contract for solid waste collection or undertake solid waste collection itself, the transition period specified in this section begins to run. This section does not preclude the purchase by the incorporated city or town of the franchise, business, or facilities at an agreed or negotiated price, or from acquiring the same by condemnation upon payment of damages, including a reasonable amount for the loss of the franchise or permit. In the event that any person, firm, or corporation whose franchise or permit has been canceled in whole or in part by the terms of this section suffers any measurable damages as a result of any incorporation pursuant to this chapter, such person, firm, or corporation has a right of action against any city or town causing such damages. [1997 c 171 s 1; 1986 c 234 s 24; 1965 ex.s. c 42 s 1.]

Severability—1997 c 171: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 171 s 5.]

RCW 35.02.170 Use of right-of-way line as corporate boundary—When right-of-way may be included. The right-of-way line of any public street, road or highway, or any segment thereof, may be used to define a part of a corporate boundary in an incorporation proceeding. The boundaries of a newly incorporated city or town shall not include a portion of the right-of-way of any public street, road or highway except where the boundary runs from one edge of the right-of-way to the other edge of the right-of-way. [1989 c 84 s 7; 1986 c 234 s 25; 1975 1st ex.s. c 220 s 2.]

Legislative finding, intent—1975 1st ex.s. c 220: "The legislature finds that the use of centerlines of public streets, roads and highways as boundaries of incorporated cities and towns has resulted in divided jurisdiction over such public ways causing inefficiencies and waste in their construction, improvement and maintenance and impairing effective traffic law enforcement. It is the intent of this act to preclude the use of highway centerlines as corporate boundaries in the future and to encourage counties and cities and towns by agreement to revise existing highway centerline boundaries to coincide with highway right-of-way lines." [1975 1st ex.s. c 220 s 1.]

Revision of corporate boundary by substituting right-of-way lines: RCW 35.21.790.

RCW 35.02.180 Ownership of county roads to revert to city or town—Territory within city or town to be removed from fire protection, road, and library districts. The ownership of all county roads located within the boundaries of a newly incorporated city or town shall revert to the city or town and become streets as of the official date of incorporation. However, any special assessments attributable to these county roads shall continue to exist and be collected as if the incorporation had not occurred. Property within the newly incorporated city or town shall continue to be subject to any indebtedness attributable to these roads and any related property tax levies.

The territory included within the newly incorporated city or town shall be removed from the road district as of the official date of incorporation. The territory included within the newly incorporated city or town shall be removed from a fire protection district or districts or library district or districts in which it was located, as of the official date of incorporation, unless the fire protection district or districts have annexed the city or town during the interim period as provided in *RCW 52.04.160 through 52.04.200, or the library district or districts have annexed the city or town during the interim period as provided in **RCW 27.12.260 through 27.12.290. [1986 c 234 s 17.]

Reviser's note: *(1) RCW 52.04.160 has been decodified and RCW 52.04.170 through 52.04.200 have been recodified as RCW 52.04.061 through 52.04.101, pursuant to 1984 c 230 s 89.

**(2) The reference to "RCW 27.12.260 through 27.12.290" appears to be erroneous. RCW 27.12.360 through 27.12.395 relates to annexation of a city or town by a library district.

RCW 35.02.190 Annexation/incorporation of fire protection district—Transfer of assets when at least sixty percent of assessed valuation is annexed or incorporated in city or town. If a portion of a fire protection district including at least sixty percent of the assessed valuation of the real property of the district is annexed to or incorporated into a city or town, ownership of all of the assets of the district shall be vested in the city or town, or, if the city or town has been annexed by another fire protection district, in the other fire protection district, upon payment in cash, properties or contracts for fire protection services to the district within one year of the date on which the city or town withdraws from the fire protection district pursuant to RCW 52.04.161, of a percentage of the value of said assets equal to the percentage of the value of the real property in entire district remaining outside the incorporated or annexed area. The fire protection district may elect, by a vote of a majority of the persons residing outside the annexed or incorporated area who vote on the proposition, to require the annexing or incorporating city or town or fire protection district to assume responsibility for the provision of fire protection, and for the operation and maintenance of the district's property, facilities, and equipment throughout the district and to pay the city or town or fire protection district a reasonable fee for such fire protection,

operation, and maintenance. When at least sixty percent, but less than one hundred percent, valuation of the real estate of a district is annexed to or incorporated into a city or town, a proportionate share of the liabilities of the district at the time of such annexation or incorporation, equal to the percentage of the total assessed valuation of the real estate of the district that has been annexed or incorporated, shall be transferred to the annexing or incorporating city or town.

If all of a fire protection district is included in an area that incorporates as a city or town or is annexed to a city or town or fire protection district, all of the assets and liabilities of the fire protection district shall be transferred to the newly incorporated city or town on the date on which the fire protection district ceases to provide fire protection services pursuant to RCW 52.04.161 or to the city or town or fire protection district upon the annexation. [1993 c 262 s 3; 1989 c 76 s 2; 1986 c 234 s 18; 1981 c 332 s 5; 1965 c 7 s 35.13.247. Prior: 1963 c 231 s 3. Formerly RCW 35.13.247.]

RCW 35.02.200 Annexation/incorporation of fire protection district—Ownership of assets of fire protection district—When less than sixty percent. (1) If a portion of a fire protection district including less than sixty percent of the assessed value of the real property of the district is annexed to or incorporated into a city or town, the ownership of all assets of the district shall remain in the district and the district shall pay to the city or town, or, if the city or town has been annexed by another fire protection district, to the other fire protection district within one year or within such period of time as the district continues to collect taxes in such incorporated or annexed areas, in cash, properties or contracts for fire protection services, a percentage of the value of said assets equal to the percentage of the value of the real property in the entire district lying within the area so incorporated or annexed: PROVIDED, That if the area annexed or incorporated includes less than five percent of the area of the district, no payment shall be made to the city or town or fire protection district except as provided in RCW 35.02.205.

(2) As provided in RCW 35.02.210, the fire protection district from which territory is removed as a result of an incorporation or annexation shall provide fire protection to the incorporated or annexed area for such period as the district continues to collect taxes levied in such annexed or incorporated area.

(3) For the purposes of this section, the word "assets" shall mean the total assets of the fire district, reduced by its liabilities, including bonded indebtedness, the same to be determined by usual and accepted accounting methods. The amount of said liability shall be determined by reference to the fire district's balance sheet, produced in the regular course of business, which is nearest in time to the certification of the annexation of fire district territory by the city or town. [1997 c 245 s 2. Prior: 1989 c 267 s 1; 1989 c 76 s 3; 1986 c 234 s 19; 1967 c 146 s 1; 1965 c 7 s 35.13.248; prior: 1963 c 231 s 4. Formerly RCW 35.13.248.]

RCW 35.02.202 Annexation/incorporation of fire protection district—Delay of transfer. During the interim period, the governing

body of the newly formed city or town and the board of fire commissioners may by written agreement delay the transfer of the district's assets and liabilities, and the city's or town's responsibility for the provision of fire protection, that would otherwise occur under RCW 35.02.190 or 35.02.200 for up to one year after the official date of incorporation. During the one-year period, the fire protection district may annex the city or town pursuant to chapter 52.04 RCW and retain the responsibility for fire protection. [1991 c 360 s 7.]

RCW 35.02.205 Annexation/incorporation of fire protection district—Distribution of assets of district when less than five percent of district annexed—Distribution agreement—Arbitration. (1) A distribution of assets from the fire protection district to the city or town shall occur as provided in this section upon the annexation or, in the case of an incorporation, on the date on which the city or town withdraws from the fire protection district pursuant to RCW 52.04.161, of an area by the city or town that constitutes less than five percent of the area of the fire protection district upon the adoption of a resolution by the city or town finding that the annexation or incorporation will impose a significant increase in the fire suppression responsibilities of the city or town with a corresponding reduction in fire suppression responsibilities by the fire protection district. Such a resolution must be adopted within sixty days of the effective date of the annexation, or within sixty days of the official date of incorporation of the city. If the fire protection district does not concur in the finding within sixty days of when a copy of the resolution is submitted to the board of commissioners, arbitration shall proceed under subsection (3) of this section over this issue.

(2) An agreement on the distribution of assets from the fire protection district to the city or town shall be entered into by the city or town and the fire protection district within ninety days of the concurrence by the fire protection district under subsection (1) of this section, or within ninety days of a decision by the arbitrators under subsection (3) of this section that a significant increase in the fire protection responsibilities will be imposed upon the city or town as a result of the incorporation or annexation. A distribution shall be based upon the extent of the increased fire suppression responsibilities with a corresponding reduction in fire suppression responsibilities by the fire protection district, and shall consider the impact of any debt obligation that may exist on the property that is so annexed or incorporated. If an agreement is not entered into after this ninety-day period, arbitration shall proceed under subsection (3) of this section concerning this issue unless both parties have agreed to an extension of this period.

(3) Arbitration shall proceed under this subsection over the issue of whether a significant increase in the fire protection responsibilities will be imposed upon the city or town as a result of the annexation or incorporation with a corresponding reduction in fire suppression responsibilities by the fire protection district, or over the distribution of assets from the fire protection district to the city or town if such a significant increase in fire protection responsibilities will be imposed. A board of arbitrators shall be established for an arbitration that is required under this section.

The board of arbitrators shall consist of three persons, one of whom is appointed by the city or town within sixty days of the date when arbitration is required, one of whom is appointed by the fire protection district within sixty days of the date when arbitration is required, and one of whom is appointed by agreement of the other two arbitrators within thirty days of the appointment of the last of these other two arbitrators who is so appointed. If the two are unable to agree on the appointment of the third arbitrator within this thirty-day period, then the third arbitrator shall be appointed by a judge in the superior court of the county within which all or the greatest portion of the area that was so annexed or incorporated lies. The determination by the board of arbitrators shall be binding on both the city or town and the fire protection district. [1993 c 262 s 4; 1989 c 267 s 3.]

RCW 35.02.210 Fire protection district and library district—Continuation of services at option of city or town. At the option of the governing body of a newly incorporated city or town, any fire protection district or library district serving any part of the area so incorporated shall continue to provide services to such area until the city or town receives its own property tax receipts. [1991 c 360 s 8; 1986 c 234 s 21; 1967 ex.s. c 119 s 35A.03.160. Formerly RCW 35A.03.160.]

RCW 35.02.220 Duty of county and road, library, and fire districts to continue services during transition period—Road maintenance and law enforcement services. The approval of an incorporation by the voters of a proposed city or town, and the existence of a transition period to become a city or town, shall not remove the responsibility of any county, road district, library district, or fire district, within which the area is located, to continue providing services to the area until the official date of the incorporation.

A county shall continue to provide the following services to a newly incorporated city or town, or that portion of the county within which the newly incorporated city or town is located, at the preincorporation level as follows:

(1) Law enforcement services shall be provided for a period not to exceed sixty days from the official date of the incorporation or until the city or town is receiving or could have begun receiving sales tax distributions under RCW 82.14.030(1), whichever is the shortest time period.

(2) Road maintenance shall be for a period not to exceed sixty days from the official date of the incorporation or until forty percent of the anticipated annual tax distribution from the road district tax levy is made to the newly incorporated city or town pursuant to RCW 35.02.140, whichever is the shorter time period. [1991 c 360 s 9; 1986 c 234 s 22; 1985 c 143 s 1. Formerly RCW 35.21.763.]

RCW 35.02.225 County may contract to provide essential services. It is the desire of the legislature that the citizens of newly incorporated cities or towns receive uninterrupted and adequate

services in the period prior to the city or town government attaining the ability to provide such service levels. In addition to the services provided under RCW 35.02.220, it is the purpose of this section to permit the county or counties in which a newly incorporated city or town is located to contract with the newly incorporated city or town for the continuation of essential services until the newly incorporated city or town has attained the ability to provide such services at least at the levels provided by the county before the incorporation. These essential services may include but are not limited to, law enforcement, road and street maintenance, drainage, and other utility services previously provided by the county before incorporation. The contract should be negotiated on the basis of the county's cost to provide services without consideration of capital assets which do not continue to be amortized for principal and interest or depreciated by the county. The exception for not considering capital assets which are no longer amortized for principal and interest or depreciated is recognition of the preexisting financial investment of citizens of the newly incorporated city or town have made in county capital assets.

Nothing in this section limits the ability of the county and the newly incorporated city or town to contract for higher service levels or for other time periods than those imposed by this section. [1985 c 332 s 7. Formerly RCW 35.21.764.]

RCW 35.02.230 Incorporation of city or town located in more than one county—Powers and duties of county after incorporation—Costs. After incorporation of a city or town located in more than one county, all purposes essential to the maintenance, operation, and administration of the city or town whenever any action is required or may be performed by the county, county legislative authority, or any county officer or board, such action shall be performed by the respective county, county legislative authority, officer, or board of the county of that part of the city or town in which the largest number of inhabitants reside as of the date of the incorporation of the proposed city or town except as provided in RCW 35.02.240, and all costs incurred shall be borne proportionately by each county in that ratio which the number of inhabitants residing in that part of each county forming a part of the proposed city or town bears to the total number of inhabitants residing within the whole of the city or town. [1986 c 234 s 26; 1965 c 7 s 35.04.150. Prior: 1955 c 345 s 15. Formerly RCW 35.04.150.]

RCW 35.02.240 Incorporation of city or town located in more than one county—Taxes—Powers and duties of county after incorporation—Costs. In the case of evaluation, assessment, collection, apportionment, and any other allied power or duty relating to taxes in connection with the city or town, the action shall be performed by the county, county legislative authority, or county officer or board of the county for that area of the city or town which is located within the respective county, and all materials, information, and other data and all moneys collected shall be submitted to the proper officer of the county of that part of the city or town in which the largest number of inhabitants reside. Any power which may be or duty which shall be performed in connection therewith shall be performed by the

county, county legislative authority, officer, or board receiving such as though only a city or town in a single county were concerned. All moneys collected from such area constituting a part of such city or town that should be paid to such city or town shall be delivered to the treasurer thereof, and all other materials, information, or data relating to the city or town shall be submitted to the appropriate city or town officials.

Any costs or expenses incurred under this section shall be borne proportionately by each county involved. [1986 c 234 s 27; 1965 c 7 s 35.04.160. Prior: 1955 c 345 s 16. Formerly RCW 35.04.160.]

RCW 35.02.250 Corporate powers in dealings with federal government. Any city or town incorporated as provided in this chapter shall, in addition to all other powers, duties and benefits of a city or town of the same type or class, be authorized to purchase, acquire, lease, or administer any property, real or personal, or property rights and improvements thereon owned by the federal government on such terms and conditions as may be mutually agreed upon, when authorized to do so by the United States government, and thereafter to sell, transfer, exchange, lease, or otherwise dispose of any such property, and to execute contracts with the federal government with respect to supplying water and for other utility services. [1986 c 234 s 28; 1965 c 7 s 35.04.170. Prior: 1955 c 345 s 17. Formerly RCW 35.04.170.]

RCW 35.02.260 Duty of department of commerce to assist newly incorporated cities and towns. The department of commerce shall identify federal, state, and local agencies that should receive notification that a new city or town is about to incorporate and shall assist newly formed cities and towns during the interim period before the official date of incorporation in providing such notification to the identified agencies. [2023 c 470 s 2014; 1995 c 399 s 34; 1991 c 360 s 6.]

Explanatory statement—2023 c 470: See note following RCW 10.99.030.

RCW 35.02.270 Other local governments and state agencies—May assist newly incorporated cities and towns. Cities, towns, counties, and other local government agencies and state agencies may make loans of staff and equipment, and technical and financial assistance to the newly formed city or town during the interim period to facilitate the transition to an incorporated city or town. Such loans and assistance may be without compensation. [1991 c 360 s 12.]