Chapter 35.27 RCW
TOWNS

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RCW 35.27.010 Rights, powers, and privileges. Every town shall be entitled the "Town of . . . . . ." (naming it), and by such name shall have perpetual succession, may sue, and be sued in all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the town authorities, and may purchase, lease, receive, hold, and enjoy real and personal property and control, lease, sublease, convey, or otherwise dispose of the same for the common benefit. [1994 c 273 s 11; 1994 c 81 s 53; 1965 c 7 s 35.27.010. Prior: 1890 p 198 s 142; RRS s 9163.]

Reviser's note: This section was amended by 1994 c 81 s 53 and by 1994 c 273 s 11, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

RCW 35.27.030 Uncertain boundaries—Petition—Request for examination. Whenever a petition is presented to the council of any incorporated town in this state, signed by not less than five electors of such town, setting forth that in the belief of the petitioners, the boundaries of said town are indefinite and uncertain and that on account of such indefiniteness and uncertainty the legality of the taxes levied within such town are in danger of being affected, and setting forth the particular causes or reasons of such alleged indefiniteness or uncertainty, it shall be the duty of the town council to cause the petition to be filed and recorded by the clerk, and to cause a copy of the same to be made and certified by the clerk and the corporate seal of such town to be attached to said certificate, and the mayor of such town shall forthwith present said certified copy of the petition to the board of county commissioners of the county wherein said town is situated, with a written request to be signed by him or her as such mayor that the said board of county commissioners proceed to examine the boundaries of such town or city, and make the same definite and certain. [2009 c 549 s 2054; 1965 c 7 s 35.27.030. Prior: 1899 c 79 s 1; RRS s 9195.]

RCW 35.27.040 Duty of county commissioners. The board of county commissioners upon receipt of the certified copy of said petition, and the request aforesaid, shall cause the same to be filed in the office of the county auditor and forthwith proceed to examine the boundaries of the town and make the same definite and certain. For this purpose they may employ a competent surveyor, and shall commence at some recognized and undisputed point on the boundary line of the town, if such there be, and if there is no such recognized and undisputed point, they shall establish a starting point from the best data at their command and from such starting point they shall run a boundary line by courses and distances around such town, in one tract or body. [1965 c 7 s 35.27.040. Prior: 1899 c 79 s 2; RRS s 9196.]

RCW 35.27.050 Report of survey. The board of county commissioners, without unnecessary delay, shall make and file a report of their doings in the premises in the office of the county auditor, who shall transmit a certified copy thereof under the seal of the county, to the clerk of the town, and the clerk shall record the same in the records of the town, and keep the copy on file in his or her office. The report shall contain the description of the boundary of the town, as fixed by the board, written in plain words and figures and the boundaries so made and fixed shall be the boundaries of the town, and all the territory included within the boundary lines so established shall be included in the town, and be a part thereof. [2009 c 549 s 2055; 1965 c 7 s 35.27.050. Prior: 1899 c 79 s 3; RRS s 9197.]

RCW 35.27.060 Expense of proceedings. The expense of such proceedings shall be paid by the town at whose request the same is incurred. The county commissioners shall each receive as compensation, an amount not exceeding the amount allowed by law for their usual services as commissioners, and, any surveyor or other assistants employed by them, a reasonable compensation to be fixed and certified

by said commissioners. [1965 c 7 s 35.27.060. Prior: 1899 c 79 s 4; RRS s 9198.]

RCW 35.27.070 Town officers enumerated. The government of a town shall be vested in a mayor and a council consisting of five members and a treasurer, all elective; the mayor shall appoint a clerk and a marshal; and may appoint a town attorney, pound master, street superintendent, a civil engineer, and such police and other subordinate officers and employees as may be provided for by ordinance. All appointive officers and employees shall hold office at the pleasure of the mayor, subject to any applicable law, rule, or regulation relating to civil service, and shall not be subject to confirmation by the town council. [1997 c 361 s 3; 1993 c 47 s 2; 1987 c 3 s 12; 1965 ex.s. c 116 s 14; 1965 c 7 s 35.27.070. Prior: 1961 c 89 s 3; prior: (i) 1903 c 113 s 4; 1890 p 198 s 143; RRS s 9164. (ii) 1941 c 108 s 2; 1939 c 87 s 2; Rem. Supp. 1941 s 9165-1a. (iii) 1943 c 183 s 1, part; 1941 c 91 s 1, part; 1911 c 33 s 1, part; 1903 c 113 s 5, part; 1890 p 198 s 144, part; Rem. Supp. 1943 s 9165.]

Severability—1987 c 3: See note following RCW 3.70.010.

RCW 35.27.080 Eligibility to hold elective office. No person shall be eligible to or hold an elective office in a town unless he or she is a resident and registered voter in the town. [1997 c 361 s 8; 1965 c 7 s 35.27.080. Prior: 1890 p 200 s 149; RRS s 9170.]

RCW 35.27.090 Elections—Terms of office. All general municipal elections in towns shall be held biennially in the odd-numbered years as provided in RCW 29A.04.330. The term of office of the mayor and treasurer shall be four years and until their successors are elected and qualified and assume office in accordance with *RCW 29A.20.040: PROVIDED, That the term of the treasurer shall not commence in the same biennium in which the term of the mayor commences. Councilmembers shall be elected for four year terms and until their successors are elected and qualified and assume office in accordance with *RCW 29A.20.040; three at one election and two at the next succeeding biennial election. [2009 c 549 s 2056; 1979 ex.s. c 126 s 23; 1965 c 7 s 35.27.090. Prior: 1963 c 200 s 16; 1961 c 89 s 4; prior: 1955 c 55 s 7; 1943 c 183 s 1, part; 1941 c 91 s 1, part; 1911 c 33 s 1, part; 1903 c 113 s 5, part; 1890 p 198 s 144, part; Rem. Supp. 1943 s 9165, part.]

***Reviser's note:** RCW 29A.20.040 was recodified as RCW 29A.60.280 pursuant to 2013 c 11 s 93.

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

RCW 35.27.100 Conduct of elections. All elections in towns shall be held in accordance with the general election laws of the state. [1994 c 223 s 21; 1965 c 7 s 35.27.100. Prior: 1890 p 200 s 148; RRS s 9169.]

Elections: Title 29A RCW.

RCW 35.27.120 Oath and bond of officers. Every officer of a town before entering upon the duties of his or her office shall take and file with the county auditor his or her oath of office. The clerk, treasurer, and marshal before entering upon their respective duties shall also each execute a bond approved by the council in such penal sum as the council by ordinance may determine, conditioned for the faithful performance of his or her duties including in the same bond the duties of all offices of which he or she is made ex officio incumbent.

All bonds, when approved, shall be filed with the town clerk, except the bonds of the clerk which shall be filed with the mayor. [2009 c 549 s 2057; 1986 c 167 s 19; 1965 c 7 s 35.27.120. Prior: 1890 p 199 s 145; RRS s 9166.]

Severability—1986 c 167: See note following RCW 29A.16.040.

RCW 35.27.130 Compensation of officers and employees—Expenses—Nonstate pensions—Limitations. The mayor and members of the town council may be reimbursed for actual expenses incurred in the discharge of their official duties upon presentation of a claim therefor and its allowance and approval by resolution of the town council. The mayor and members of the council may also receive such salary as the council may fix by ordinance.

The treasurer and treasurer-clerk shall severally receive at stated times a compensation to be fixed by ordinance.

The compensation of all other officers and employees shall be fixed from time to time by the council.

Any town that provides a pension for any of its employees under a plan not administered by the state must notify the state auditor of the existence of the plan at the time of an audit of the town by the auditor. No town may establish a pension plan for its employees that is not administered by the state, with the following exceptions:

(1) Participation in a defined contribution plan in existence as of January 1, 1990, is deemed to have been authorized. No town that provides a defined contribution plan for its employees as authorized by this section may make any material changes in the terms or conditions of the plan after June 7, 1990.

(2) Participation in a defined benefit pension plan that commenced prior to January 1, 1999, is authorized to continue. No town that commenced participation in a defined benefit pension plan that is not administered by the state may make any material changes in the terms or conditions of the plan after June 7, 1999. [2012 c 240 s 1; 1993 c 47 s 3; 1990 c 212 s 2; 1973 1st ex.s. c 87 s 2; 1969 ex.s. c 270 s 9; 1965 c 105 s 2; 1965 c 7 s 35.27.130. Prior: 1961 c 89 s 5; prior: (i) 1941 c 115 s 2; 1890 p 200 s 147; Rem. Supp. 1941 s 9168. (ii) 1921 c 24 s 1, part; 1890 p 209 s 168, part; RRS s 9187, part. (iii) 1890 p 214 s 173; RRS s 9191. (iv) 1943 c 183 s 1, part; 1941 c 91 s 1, part; 1911 c 33 s 1, part; 1903 c 113 s 5, part; 1890 p 198 s 144, part; RRS s 9165, part.]

RCW 35.27.140 Vacancies. (1) The council of a town may declare a council position vacant if that councilmember is absent from the town for three consecutive council meetings without the permission of the council.

(2) A vacancy in an elective office shall occur and shall be filled as provided in chapter 42.12 RCW. An incumbent councilmember is eligible to be appointed to fill a vacancy in the office of mayor.

(3) A vacancy in any other office shall be filled by appointment by the mayor. [2008 c 50 s 3; 1994 c 223 s 22; 1965 c 7 s 35.27.140. Prior: (i) 1903 c 113 s 6; 1890 p 199 s 146; RRS s 9167. (ii) 1907 c 228 s 5, part; RRS s 9203, part.]

RCW 35.27.160 Mayor—Duties—Powers—Mayor pro tempore. The mayor shall preside over all meetings of the council at which he or she is present. A mayor pro tempore may be chosen by the council for a specified period of time, not to exceed six months, to act as the mayor in the absence of the mayor. The mayor shall sign all warrants drawn on the treasurer and shall sign all written contracts entered into by the town. The mayor may administer oaths and affirmations, and take affidavits and certify them. The mayor shall sign all conveyances made by the town and all instruments which require the seal of the town.

The mayor is authorized to acknowledge the execution of all instruments executed by the town which require acknowledgment. [1988 c 196 s 1; 1965 c 7 s 35.27.160. Prior: 1890 p 209 s 167; RRS s 9186.]

RCW 35.27.170 Town treasurer—Duties. The town treasurer shall receive and safely keep all money which comes into his or her hands as treasurer, for all of which he or she shall give duplicate receipts, one of which shall be filed with the clerk. He or she shall pay out the money on warrants signed by the mayor and countersigned by the clerk and not otherwise. He or she shall make monthly settlements with the clerk. [2009 c 549 s 2058; 1965 c 7 s 35.27.170. Prior: 1961 c 89 s 6; prior: 1921 c 24 s 1, part; 1890 p 209 s 168, part; RRS s 9187, part.]

RCW 35.27.180 Treasurer and clerk may be combined. The council of every town may provide by ordinance that the office of treasurer be combined with that of clerk or that the office of clerk be combined with that of treasurer. This ordinance shall not be voted upon until the next regular meeting after its introduction and shall require the vote of at least two-thirds of the council. The ordinance shall provide the date when the consolidation shall take place which date shall be not less than three months from the date the ordinance goes into effect. [1965 c 7 s 35.27.180. Prior: (i) 1945 c 58 s 1; Rem. Supp. 1945 s 9177-1. (ii) 1945 c 58 s 4, part; Rem. Supp. 1945 s 9177-4, part.]

RCW 35.27.190 Effect of consolidation of offices. Upon the consolidation of the office of treasurer with that of clerk, the office of treasurer shall be abolished and the clerk shall exercise all the powers and perform all the duties required by statute or ordinance to be performed by the treasurer; in the execution of any papers his or her designation as clerk shall be sufficient.

Upon the consolidation of the office of clerk with that of treasurer, the treasurer shall exercise all the powers vested in and

perform all the duties required to be performed by the clerk. [2009 c 549 s 2059; 1965 c 7 s 35.27.190. Prior: (i) 1945 c 58 s 2; Rem. Supp. 1945 s 9177-2. (ii) 1945 c 58 s 3; Rem. Supp. 1945 s 9177-3.]

RCW 35.27.200 Abandonment of consolidation. Every town which has combined the office of treasurer with that of clerk or the office of clerk with that of treasurer may terminate the combination by ordinance, fixing the time when the combination shall cease and providing that the duties thereafter be performed by separate officials. If the office of treasurer was combined with that of clerk, the mayor shall appoint a treasurer who shall serve until the next town election when a treasurer shall be elected for the term as provided by law. [1965 c 7 s 35.27.200. Prior: 1945 c 58 s 4, part; Rem. Supp. 1945 s 9177-4, part.]

RCW 35.27.210 Duty of officers collecting moneys. Every officer collecting or receiving any money belonging to a town shall settle for it with the clerk on the first Monday of each month and immediately pay it into the treasury on the order of the clerk to be credited to the fund to which it belongs. [1965 c 7 s 35.27.210. Prior: 1890 p 214 s 175; RRS s 9193.]

RCW 35.27.220 Town clerk—Duties. The town clerk shall be custodian of the seal of the town. The town clerk may appoint a deputy for whose acts he or she and his or her bondspersons shall be responsible. The town clerk and his or her deputy may administer oaths or affirmations and certify to them, and may take affidavits and depositions to be used in any court or proceeding in the state.

The town clerk shall make a quarterly statement in writing showing the receipts and expenditures of the town for the preceding quarter and the amount remaining in the treasury.

At the end of every fiscal year the town clerk shall make a full and detailed statement of receipts and expenditures of the preceding year and a full statement of the financial condition of the town which shall be published.

The town clerk shall perform such other services as may be required by statute or by ordinances of the town council.

The town clerk shall keep a full and true account of all the proceedings of the council. [2007 c 218 s 76; 1965 c 7 s 35.27.220. Prior: 1890 p 210 s 170, part; RRS s 9188, part.]

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

RCW 35.27.230 Records to be kept by clerk. The proceedings of the town council shall be kept in a book marked "records of council."

The town clerk shall keep a book marked "town accounts," in which shall be entered on the debit side all moneys received by the town including but not limited to proceeds from licenses and general taxes and in which shall be entered on the credit side all warrants drawn on the treasury.

He or she shall also keep a book marked "marshal's account" in which he or she shall charge the marshal with all licenses delivered

to him or her and credit him or her with all money collected and paid in.

He or she shall also keep a book marked "treasurer's account" in which he or she shall keep a full account of the transactions of the town with the treasurer.

He or she shall also keep a book marked "licenses" in which he or she shall enter all licenses issued by him or her—the date thereof, to whom issued, for what, the time they expire, and the amount paid.

Each of the foregoing books, except the records of the council, shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein.

He or she shall also keep a book marked "demands and warrants" in which he or she shall enter every demand against the town at the time of filing it. He or she shall state therein the final disposition of each demand and if it is allowed and a warrant drawn, he or she shall state the number of the warrant and its date. This book shall contain an index in which reference shall be made to each demand. [2009 c 549 s 2060; 1965 c 7 s 35.27.230. Prior: 1890 p 210 s 170, part; RRS s 9188, part.]

RCW 35.27.240 Town marshal—Police department—Eligibility requirements. The department of police in a town shall be under the direction and control of the marshal subject to the direction of the mayor. The town and marshal must comply with the requirements set forth in RCW 35.21.333 and 35.21.334. The marshal may pursue and arrest violators of town ordinances beyond the town limits.

The marshal's lawful orders shall be promptly executed by deputies and police officers. The marshal may appoint, subject to the approval of the mayor, one or more deputies, for whose acts the marshal shall be responsible, and whose compensation shall be fixed by the council. The town and department must comply with the requirements set forth in RCW 35.21.722 regarding use of volunteers, specially commissioned officers, and youth cadets as defined in RCW 35.21.722.

The marshal shall have the same authority as that conferred upon sheriffs pursuant to RCW 36.28.010(7).

The marshal shall execute and return all process issued and directed to the marshal by any legal authority. The marshal shall perform such other services as the council by ordinance may require. [2026 c 258 s 5; 2007 c 218 s 67; 1987 c 3 s 13; 1977 ex.s. c 316 s 24; 1965 c 125 s 1; 1965 c 7 s 35.27.240. Prior: 1963 c 191 s 1; 1890 p 213 s 172; RRS s 9190.]

Findings—Intent—Effective date—2026 c 258: See notes following RCW 35.21.333.

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

Severability—1987 c 3: See note following RCW 3.70.010.

Severability—1977 ex.s. c 316: See note following RCW 70.48.020.

RCW 35.27.250 Town attorney—Duties. The town attorney shall advise the town authorities and officers in all legal matters

pertaining to the business of the town. [1965 c 7 s 35.27.250. Prior: 1890 p 212 s 171; RRS s 9189.]

Employment of legal interns: RCW 35.21.760.

RCW 35.27.260 Park commissioners. See RCW 35.23.170.

RCW 35.27.270 Town council—Oath—Meetings. The town council shall meet in January succeeding the date of the general municipal election, shall take the oath of office, and shall hold regular meetings at least once each month at such times as may be fixed by ordinance. Special meetings may be called at any time by the mayor or by three councilmembers, by written notice as provided in RCW 42.30.080. No resolution or order for the payment of money shall be passed at any other than a regular meeting. No such resolution or order shall be valid unless passed by the votes of at least three councilmembers.

All meetings of the council shall be held at such places as may be designated by the town council. All final actions on resolutions and ordinances must take place within the corporate limits of the town. All meetings of the town council must be public. [1993 c 199 s 1; 1965 c 7 s 35.27.270. Prior: (i) 1890 p 200 s 150; RRS s 9171. (ii) 1890 p 201 s 153, part; RRS s 9174, part.]

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

RCW 35.27.280 Town council—Quorum—Rules—Journal. A majority of the councilmembers shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

The mayor shall preside at all meetings of the council. The mayor shall have a vote only in case of a tie in the votes of the councilmembers. In the absence of the mayor the council may appoint a president pro tempore; in the absence of the clerk, the mayor or president pro tempore, shall appoint one of the councilmembers as clerk pro tempore. The council may establish rules for the conduct of its proceedings and punish any members or other person for disorderly behavior at any meeting. At the desire of any member, the ayes and noes shall be taken on any question and entered in the journal. [2009 c 549 s 2061; 1965 c 107 s 2; 1965 c 7 s 35.27.280. Prior: (i) 1890 p 201 s 151; RRS s 9172. (ii) 1890 p 201 s 152, part; RRS s 9173, part.]

RCW 35.27.290 Ordinances—Style—Signatures. The enacting clause of all ordinances shall be as follows: "Be it ordained by the council of the town of . . . . ."

Every ordinance shall be signed by the mayor and attested by the clerk. [1965 c 7 s 35.27.290. Prior: 1917 c 99 s 1, part; 1890 p 204 s 155, part; RRS s 9178, part.]

RCW 35.27.300 Ordinances—Publication—Summary—Public notice of hearings and meeting agendas. Promptly after adoption, the text of each ordinance or a summary of the content of each ordinance shall be published at least once in the official newspaper of the town.

For purposes of this section, a summary shall mean a brief description which succinctly describes the main points of the ordinance. Publication of the title of an ordinance authorizing the issuance of bonds, notes, or other evidences of indebtedness shall constitute publication of a summary of that ordinance. When the town publishes a summary, the publication shall include a statement that the full text of the ordinance will be mailed upon request.

An inadvertent mistake or omission in publishing the text or a summary of the content of an ordinance shall not render the ordinance invalid.

In addition to the requirement that a town publish the text or a summary of the content of each adopted ordinance, every town shall establish a procedure for notifying the public of upcoming hearings and the preliminary agenda for the forthcoming council meeting. Such procedure may include, but not be limited to, written notification to the town's official newspaper, publication of a notice in the official newspaper, posting of upcoming council meeting agendas, or such other processes as the town determines will satisfy the intent of this requirement. [1994 c 273 s 12; 1988 c 168 s 5; 1987 c 400 s 2; 1985 c 469 s 26; 1965 c 7 s 35.27.300. Prior: 1917 c 99 s 1, part; 1890 p 204 s 155, part; RRS s 9178, part.]

RCW 35.27.310 Ordinances—Clerk to keep book of ordinances. The town clerk shall keep a book marked "ordinances" into which he or she shall copy all town ordinances, with his or her certificate annexed to said copy stating that the foregoing ordinance is a true and correct copy of an ordinance of the town, and giving the number and title of the ordinance, and stating that it has been published or posted according to law. Such record copy, with the clerk's certificate, shall be prima facie evidence of the contents of the ordinance and of its passage and publication, and shall be admissible as such in any court or proceeding. Such record shall not be filed in any case but shall be returned to the custody of the clerk. Nothing herein shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. The book of ordinances shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein. [2009 c 549 s 2062; 1965 c 7 s 35.27.310. Prior: 1890 p 210 s 170, part; RRS s 9188, part.]

RCW 35.27.330 Ordinances granting franchises—Requisites. No ordinance or resolution granting any franchise for any purpose shall be passed by the council on the day of its introduction, nor within five days thereafter, nor at any other than a regular meeting, and no such ordinance or resolution shall have any validity or effect unless passed by the vote of at least three councilmembers. The town council may require a bond in a reasonable amount from any persons and corporations obtaining a franchise from the town conditioned for the faithful performance of the conditions and terms of the franchise and providing a recovery on the bond in case of failure to perform the terms and conditions of the franchise. [2009 c 549 s 2063; 1965 c 7 s

35.27.330. Prior: (i) 1890 p 201 s 153, part; RRS s 9174, part. (ii) 1907 c 228 s 1, part; RRS s 9199, part.]

RCW 35.27.340 Audit and allowance of demands against town. All demands against a town shall be presented to and audited by the council in accordance with such regulations as they may by ordinance prescribe. Upon allowance of a demand the mayor shall draw a warrant therefor upon the treasurer; the warrant shall be countersigned by the clerk and shall specify the purpose for which it is drawn.

The town clerk and his or her deputy shall take all necessary affidavits to claims against the town and certify them. [2009 c 549 s 2064; 1965 c 7 s 35.27.340. Prior: (i) 1890 p 210 s 170, part; RRS s 9188, part. (ii) 1890 p 204 s 156; RRS s 9179.]

RCW 35.27.345 Payment of claims and obligations by warrant or check. A town, by ordinance, may adopt a policy for the payment of claims or other obligations of the town, which are payable out of solvent funds, electing to pay such obligations by warrant or by check. However, when the applicable fund is not solvent at the time payment is ordered, a warrant shall be issued. When checks are to be used, the legislative body shall designate the qualified public depositary, upon which such checks are to be drawn, and the officers authorized or required to sign such checks. Wherever a reference is made to warrants in this title, such term shall include checks where authorized by this section. [2006 c 41 s 2.]

RCW 35.27.350 Contract for town printing. Every town may designate any daily or weekly newspaper published or of general circulation therein as its official newspaper and all notices published in that newspaper for the period and in the manner provided by law or the ordinances of the town shall be due and legal notice. [1965 c 7 s 35.27.350. Prior: 1903 c 120 s 1; RRS s 9177.]

RCW 35.27.362 Contracts, purchases, advertising—Call for bids—Exceptions. See RCW 35.23.352.

RCW 35.27.370 Specific powers enumerated. The council of said town shall have power:

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

(2) To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the town; to acquire, own, and hold real estate for cemetery purposes either within or without the corporate limits, to sell and dispose of such real estate, to plat or replat such real estate into cemetery lots and to sell and dispose of any and all lots therein, and to operate, improve and maintain the same as a cemetery;

(3) To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other works necessary or proper for

supplying water for use of such town or its inhabitants, or for irrigating purposes therein;

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

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

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

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

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

(9) To license, for purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in such town; and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; to regulate, restrain, or prohibit the running at large of any and all domestic animals within the city limits, or any part or parts thereof, and to regulate the keeping of such animals within any part of the city; to establish, maintain and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed on, and collected from, the owners of any impounded stock. A city may not require a business to be licensed based solely upon registration under or compliance with the streamlined sales and use tax agreement;

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

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

(12) To grant franchises or permits to use and occupy the surface, the overhead and the underground of streets, alleys and other public ways, under such terms and conditions as it shall deem fit, for any and all purposes, including but not being limited to the construction, maintenance and operation of railroads, street railways,

transportation systems, water, gas and steam systems, telephone and telegraph systems, electric lines, signal systems, surface, aerial and underground tramways;

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

(14) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed five thousand dollars, nor the term of imprisonment exceed one year, except that the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime; or to provide that violations of ordinances constitute a civil violation subject to a monetary penalty, but no act which is a state crime may be made a civil violation;

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

(16) To make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the town and its trade, commerce and manufacturers, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter. [2008 c 129 s 3; 1993 c 83 s 7; 1986 c 278 s 6; 1984 c 258 s 805; 1977 ex.s. c 316 s 25; 1965 ex.s. c 116 s 15; 1965 c 127 s 1; 1965 c 7 s 35.27.370. Prior: 1955 c 378 s 4; 1949 c 151 s 1; 1945 c 214 s 1; 1941 c 74 s 1; 1927 c 207 s 1; 1925 ex.s. c 159 s 1; 1895 c 32 s 1; 1890 p 201 s 154; Rem. Supp. 1949 s 9175.]

Effective date—1993 c 83: See note following RCW 35.21.163.

Severability—1986 c 278: See note following RCW 36.01.010.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Severability—1977 ex.s. c 316: See note following RCW 70.48.020.

Validating—1925 ex.s. c 159: "All franchises, permits and rights-of-way heretofore granted by any municipality of the fourth class to any person, firm or corporation, to construct, maintain or operate surface, underground and aerial tramways and other means of conveyance over, above, across, upon and along its streets, highways and alleys are hereby validated, ratified and confirmed." [1925 ex.s. c 159 s 2.]

RCW 35.27.372 City and town license fees and taxes on financial institutions. See chapter 82.14A RCW.

RCW 35.27.373 City license fees or taxes on certain business activities to be at a single uniform rate. See RCW 35.21.710.

RCW 35.27.375 Additional powers—Parking meter revenue for revenue bonds. See RCW 35.23.454.

RCW 35.27.376 Nonpolluting power generation by individual—Exemption from regulation—Authorization to contract with utility. See chapter 80.58 RCW.

RCW 35.27.377 Hydroelectric resources—Separate legal authority—Creation by irrigation districts and cities, towns, or public utility districts. See RCW 87.03.825 through 87.03.840.

RCW 35.27.380 Additional powers—Eminent domain. Whenever it becomes necessary for a town to take or damage private property for the purpose of establishing, laying out, extending, and widening streets and other public highways and places within the town, or for the purpose of rights-of-way for drains, sewers, and aqueducts, and for the purpose of widening, straightening, or diverting the channels of streams and the improvement of waterfronts, and the council cannot agree with the owner thereof as to the price to be paid, the council may direct proceedings to be taken under the general laws of the state to procure the same. [1965 c 7 s 35.27.380. Prior: 1890 p 207 s 162; RRS s 9182.]

Eminent domain: Chapter 8.12 RCW.

RCW 35.27.385 Additional powers—Construction and operation of boat harbors, marinas, docks, etc. See RCW 35.23.455.

RCW 35.27.390 Employees' group insurance. See RCW 35.23.460.

RCW 35.27.400 Fire limits—Parks. Towns are hereby given the power to establish fire limits with proper regulations; to acquire by purchase or otherwise, lands for public parks within or without the limits of the town, and to improve the same. [1965 c 7 s 35.27.400. Prior: 1961 c 58 s 1; 1899 c 103 s 1; RRS s 9176.]

RCW 35.27.410 Nuisances. Every act or thing done or being within the limits of a town, which is declared by law or by ordinance to be a nuisance shall be a nuisance and shall be so considered in all actions and proceedings. All remedies given by law for the prevention and abatement of nuisances shall apply thereto. [1965 c 7 s 35.27.410. Prior: 1890 p 205 s 160; RRS s 9181.]

Nuisances: Chapter 9.66 RCW.

RCW 35.27.500 Taxation—Street poll tax. A town may impose upon and collect from every inhabitant of the town over eighteen years of age an annual street poll tax not exceeding two dollars and no other

road poll tax shall be collected within the limits of the town. [1973 1st ex.s. c 154 s 52; 1971 ex.s. c 292 s 62; 1965 c 7 s 35.27.500. Prior: 1905 c 75 s 1, part; RRS s 9210, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Severability—1971 ex.s. c 292: See note following RCW 26.28.010.

RCW 35.27.510 Utilities—Transfer of part of net earnings to current expense fund. When any special fund of a public utility department of a town has retired all bond and warrant indebtedness and is on a cash basis, if a reserve or depreciation fund has been created in an amount satisfactory to the state auditor and if the fixing of the rates of the utility is governed by contract with the supplier of water, electrical energy, or other commodity sold by the town to its inhabitants, and the rates are at the lowest possible figure, the town council may set aside such portion of the net earnings of the utility as it may deem advisable and transfer it to the town's current expense fund: PROVIDED, That no amount in excess of fifty percent of the net earnings shall be so set aside and transferred except with the unanimous approval of the council and mayor. [1995 c 301 s 38; 1965 c 7 s 35.27.510. Prior: 1939 c 96 s 1; 1929 c 98 s 1; RRS s 9185-1.]

RCW 35.27.515 Criminal code repeals by town operating municipal court—Agreement covering costs of handling resulting criminal cases—Arbitration. A town operating a municipal court may not repeal in its entirety that portion of its municipal code defining crimes or repeal a provision of its municipal code which defines a crime equivalent to an offense listed in RCW 46.63.020 unless the municipality has reached an agreement with the appropriate county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04A RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04A RCW. [2005 c 433 s 40; 1984 c 258 s 207.]

Application—Captions not law—Savings—Effective date—2005 c 433: See RCW 7.04A.290 through 7.04A.310 and 7.04A.900.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

RCW 35.27.550 Off-street parking space and facilities—Authorized—Declared public use. Towns are authorized to provide off-

street parking space and facilities for motor vehicles, and the use of real property for such purpose is declared to be a public use. [1994 c 81 s 54; 1965 c 7 s 35.27.550. Prior: 1961 c 33 s 1.]

Off-street parking facilities, cities of the first, second, and third classes: Chapter 35.86 RCW.

RCW 35.27.560 Off-street parking space and facilities—Financing. In order to provide for off-street parking space and/or facilities, such towns are authorized, in addition to their powers for financing public improvements, to finance their acquisition through the issuance and sale of revenue bonds and general obligation bonds. Any bonds issued by such towns pursuant to this section shall be issued in the manner and within the limitations prescribed by the Constitution and the laws of this state. In addition local improvement districts may be created and their financing procedures used for this purpose in accordance with the provisions of Title 35 RCW, as now or hereafter amended. Such towns may finance from their general budget, costs of land acquisition, planning, engineering, location, design and construction to the off-street parking. [1965 c 7 s 35.27.560. Prior: 1961 c 33 s 2.]

RCW 35.27.570 Off-street parking space and facilities—Acquisition and disposition of real property. Such towns are authorized to obtain by lease, purchase, donation and/or gift, or by eminent domain in the manner provided by law for the exercise of this power by cities, such real property for off-street parking as the legislative bodies thereof determine to be necessary by ordinance. Such property may be sold, transferred, exchanged, leased, or otherwise disposed of by the town when its legislative body has determined by ordinance such property is no longer necessary for off-street parking purposes. [1965 c 7 s 35.27.570. Prior: 1961 c 33 s 3.]

Eminent domain: Chapter 8.12 RCW.

RCW 35.27.580 Off-street parking space and facilities—Operation—Lease. Such towns are authorized to establish the methods of operation of off-street parking space and/or facilities by ordinance, which may include leasing or municipal operation. [1965 c 7 s 35.27.580. Prior: 1961 c 33 s 4.]

RCW 35.27.590 Off-street parking space and facilities—Hearing prior to establishment. Before the establishment of any off-street parking space and/or facilities, the town shall hold a public hearing thereon, prior to the adoption of any ordinance relating to the leasing or acquisition of property, and for the financing thereof for this purpose. [1965 c 7 s 35.27.590. Prior: 1961 c 33 s 5.]

RCW 35.27.600 Off-street parking space and facilities—Construction. Insofar as the provisions of RCW 35.27.550 through

35.27.600 are inconsistent with the provisions of any other law, the provisions of RCW 35.27.550 through 35.27.600 shall be controlling. [1965 c 7 s 35.27.600. Prior: 1961 c 33 s 7.]

RCW 35.27.610 Purchase of electric power and energy from joint operating agency. A town may contract to purchase from a joint operating agency electric power and energy required for its present or future requirements. For projects the output of which is limited to qualified alternative energy resources as defined by RCW 19.29A.090(3), the contract may include the purchase of capability of the projects to produce electricity in addition to the actual output of the projects. The contract may provide that the town must make the payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for. The contract may also provide that payments under the contract are not subject to reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance of the joint operating agency or a city, town, or public utility district under the contract or other instrument. [2003 c 138 s 6.]

RCW 35.27.620 Telecommunications services and facilities authorized—Requirements. (1) A town may construct, purchase, acquire, develop, finance, lease, license, provide, contract for, interconnect, alter, improve, repair, operate, and maintain telecommunications services or telecommunications facilities for the purpose of furnishing the town and its inhabitants with telecommunications services. The town has full authority to regulate and control the use, distribution, and price of the services.

(2)(a) Before providing telecommunications services pursuant to subsection (1) of this section, a town must examine and report to its governing body and to the state broadband office the following about the area to be served by the town:

(i) An assessment of the current availability of broadband infrastructure and its adequacy to provide high-speed internet access and other advanced telecommunications services to end users;

(ii) The location of where retail telecommunications services will be provided;

(iii) Evidence relating to the unserved nature of the community in which retail telecommunications services will be provided;

(iv) Expected costs of providing retail telecommunications services to customers to be served by the town;

(v) Evidence that proposed telecommunications infrastructure will be capable of scaling to greater download and upload speeds to meet state broadband goals under RCW 43.330.536;

(vi) Sources of funding for the project that will supplement any grant or loan awards; and

(vii) A strategic plan to maintain long-term operation of the infrastructure, and the expected installation charges and monthly costs for end users.

(b) The state broadband office must post a review of the proposed project on its website.

(3) For purposes of this section:

(a) "Telecommunications" has the same meaning as defined in RCW 80.04.010.

(b) "Unserved" means an area of Washington in which households and businesses lack access to broadband service at a minimum 100 megabits per second download speed and at a minimum 20 megabits per second upload speed. [2021 c 294 s 5.]

Short title—2021 c 294: See note following RCW 54.16.330.