

ORDINANCE 2011-13

AN ORDINANCE OF THE EATONVILLE TOWN COUNCIL, AMENDING EMC 2.12.020, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Whereas, the Town Council desires to retain the office of the Town Treasurer in lieu of consolidating the offices under RCW 35.27.190, and

Whereas, the Town Council desires clarify the duties and responsibilities between the Town Clerk and Town Treasurer;

Now, therefore,

THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1: Section 5 of Ordinance 92-12, codified at EMC 2.12.010 and 2.12.020, is hereby amended to read as follows:

2.12.010 Salary.

The salary for the town treasurer may be set forth by ordinance at the time of adopting the annual budget, or by formal resolution or ordinance.

2.12.020 Duties of the town treasurer.

The town treasurer shall perform all duties required by RCW 35.27.170 and state law including the following specific duties:

A. Disburse money only on ~~warrants~~ checks signed by the mayor and countersigned by the clerk;

B. Make monthly account statements with the clerk and the clerk shall provide the treasurer an accounting of all town receipts by the clerk;

C. Invest excess monies in accordance with the Town's Investment Financial

D. When so instructed by a majority vote of the council to designate one or more banks in Pierce County as the depository of the money required to be kept by the treasurer in accordance with RCW 39.58.050;

E. Annually before August 15th, certify to the council the assessments according to the requirements of RCW 35.49.060;

Section 4: If any clause, sentence, paragraph, section, or part of this ordinance of the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any parts thereof to any person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 5: This ordinance takes effect five days following the date of final adoption.

READ and INTRODUCED on September 26, 2011.

PASSED by a majority of the Town Council and approved by the Mayor of the Town of Eatonville, Washington, at a regular meeting thereof this ___ day of October, 2011.

ATTEST:

Chrystal McGlone, Town Clerk

Ray Harper, Mayor

APPROVED AS TO FORM:

Patricia K. Buchanan, Town Attorney

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2.12.020 Duties of the town treasurer.

The town treasurer shall perform all duties required by RCW 35.27.170 and state law including the following specific duties:

~~A. Receive and safely keep by depositing in an account approved by the town, all money of the town;~~

~~B. Execute duplicate receipts for the same, filing one with the town clerk;~~

~~C. Disburse money only on warrants-checks signed by the mayor and countersigned by the clerk;~~

~~D. Make monthly account statements with the clerk, and the clerk shall provide the treasurer an accounting of all town receipts by the clerk;~~

~~E. Hold all sales of local improvement district lots, tracts, or parcels of land or other property, upon which a judgment of foreclosure and sale has been entered, if so ordered by a judge of the Superior Court;~~

~~F. Invest excess monies in accordance with the Town's Investment Financial Policy or inactive LID funds in U.S. Government bonds, notes, bills, certificates of indebtedness, or interim financing warrants of a local improvement district which is within the protection of the local improvement guaranty fund law for the benefit of the general current expense fund;~~

~~G. When so instructed by a majority vote of the council to designate one or more banks in Pierce County as the depository of the money required to be kept by the treasurer in accordance with RCW 39.58.050;~~

~~H. Apply money placed in the “town assessment redemption fund” in payment of any unpaid assessment liens on any lands belonging to the town;~~

~~I. Pay all warrants in the order of their number and date of issue whenever there are sufficient funds in the treasury applicable to the payment in accordance with RCW 35.21.320, 35.45.050 and 35.45.060;~~

~~J. Collect all assessments for local improvements and keep them in a fund designated “local improvement fund, district No. ____”;~~

~~F. Review all cash flow reports, claims, annual reports and the Town Clerk’s Treasurer Reports;~~

~~G. Submit monthly Financial Analyses to Council;~~

~~K. Annually before August 15th, certify to the council the assessments according to the requirements of RCW 35.49.060;~~

~~L. Such further duties as may be required by the town council.~~

Section 4: If any clause, sentence, paragraph, section, or part of this ordinance of the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any parts thereof to any person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

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PASSED by a majority of the Town Council and approved by the Mayor of the Town of Eatonville, Washington, at a regular meeting thereof this ____ day of October, 2011.

ATTEST:

Chrystal McGlone, Town Clerk

Ray Harper, Mayor

APPROVED AS TO FORM:

Patricia K. Buchanan, Town Attorney

ORDINANCE NO. 92-12

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE 2 OF THE
EATONVILLE MUNICIPAL CODE PERTAINING TO ADMINISTRATION AND
PERSONNEL.**

BE IT ORDAINED by the Council of the Town of Eatonville as follows:

Section 1: Section 1 of Ordinance 83-8, as codified at EMC 2.02.010, is hereby amended to read as follows: The salary of the Mayor may be set by ordinance at the time of adoption of the annual budget, or by formal resolution or ordinance passed by the Town Council.

Section 2: Section 1 of Ordinance 70, as codified at EMC 2.08.010, is hereby amended to read as follows: The duties of the Town Clerk include the following: To comply with all duties required by statutes found in R.C.W. Title 35 and other applicable laws, presently in effect or subsequently enacted; to keep the records of the Council and the accounts of the Town in such books as may be prescribed by the Town or as required by the State Auditor and state law; to make and certify to the Town Council all assessments and assessment rolls as required; to render to the Council a monthly report of the records in the form and manner requested by the Town; may administer oaths or affirmations and certify to them; may, countersign warrants signed by the Mayor for demands against the Town; may accept service of all claims against the Town; may make a monthly statement in writing showing the receipt and expenditures of the proceeding month and the amount remaining in the treasury; at the end of every fiscal year, make a full and detailed statement of receipts, and expenditures of the preceding year and assist the Council in preparing a full statement of the financial condition of the Town; file and certify all original resolutions or ordinances passed by the Town Council; perform the financial administration of grants received by the Town by properly accounting for monies received and spent.

Records to be kept. The Clerk shall: keep a full and true account of all the proceedings of the Council in a book marked "Minutes of the Council"; keep accounting records of Town accounts which include all revenue and expenses; keep records of all licenses issued, including the date thereof, to whom issued, for what, the time they expire, and the amount paid; keep and properly maintain the official Town files; in each of the foregoing records and files, maintain the records accurately and in order to enable a person readily to ascertain matters contained therein; keep records of all invoices and warrants with written documentation of the number, date, and disposition of the warrant; keep a book marked "ordinances" which may be duplicated by electronic means, which shall contain all original town ordinances. The clerk shall in writing attest to the date and manner of publication of the ordinance or a summary thereof as required by law, which document shall be placed in the ordinance book.

True copies of all ordinances shall be forwarded for codification in the Eatonville Municipal Code by the clerk.

Compensation. The compensation for the Town Clerk shall be set by ordinance at the time of adoption of the annual budget, or by resolution of the Town Council.

Section 3: Section 2 of Ordinance 70, as codified under EMC 2.08.020, is amended to read as follows: Water/Sewer system--rental collection and reporting duties. The Town Clerk shall collect the monthly charges from the subscribers for municipal water and sewer services, issue receipts therefore, and render a monthly report to the Council showing the receipts from such water and sewer, and the standing of the various funds in connection therewith.

Section 4: Section 3 of Ordinance 70, as codified under EMC 2.08.030, is amended to read as follows: Light and power system--rental collection, reporting duties, and compensation. The Town Clerk shall collect the monthly charges from the subscribers for the municipal electric light and power, issue receipts therefore, and render a monthly report to the Council showing the receipts from such light and power and the standing of the various funds in connection therewith.

Section 5: Section 7 of Ordinance 78-8, as codified under EMC 2.12.010, is hereby amended to read as follows: Duties of the Town Treasurer. The Town treasurer perform all duties required by state law including the following specific duties: receive and safely keep by depositing in an account approved by the town, all money of the town. The treasurer shall execute duplicate receipts for the same, filing one with the Town Clerk; disburse money only on warrants signed by the Mayor and countersigned by the Clerk; make monthly account settlements with the Clerk and the Clerk shall provide the treasurer an accounting of all town receipts by the Clerk; hold all sales of local improvement district lots, tracts, or parcels of land or other property, upon which a judgment of foreclosure and sale has been entered, if so ordered by a judge of the Superior Court; invest excess or inactive LID funds in U.S. Government bonds, notes, bills, certificates of indebtedness, or interim financing warrants of a local improvement district which is within the protection of the local improvement guaranty fund law for the benefit of the general current expense fund; When so instructed by a majority vote of the council to designate one or more banks in Pierce County as the depository of the money required to be kept by the treasurer in accordance with R.C.W. 39.58.050; Apply money placed in the "Town assessment redemption fund" in payment of any unpaid assessment liens on any lands belonging to the Town; pay all warrants in the order of their number and date of issue whenever there are sufficient funds in the treasury applicable to the payment in accordance with R.C.W. 35.21.320, 35.45.050-060; collect all assessments for local improvements and keep them in a fund designated "local improvement fund, district No."; annually before Aug 15 certify to the Council the assessments according to the requirements of RCW 35.49.060; such further duties as may be required by the Town Council. This section shall be codified under EMC 2.12.020.

The salary for the Town treasurer may be set forth by ordinance at the time of adopting the annual budget, or by formal resolution or ordinance.

Section 6: That section 4 of Ordinance 70 as codified under EMC 2.08.040 is hereby repealed.

Section 7: Section 2 of Ordinance 78-8, as codified under EMC 2.20.010, is amended to read as follows: The office hours for the Town shall be from 8:00 a.m. until 5:00 p.m., or such other period as directed by the Mayor.

Section 8: The municipal judge shall be appointed by the Mayor for a four year term, and such additional terms as approved by the Mayor. The Mayor may appoint a judge pro tem to serve in the absence of the judge. The salary for the municipal judge may be set by ordinance at the time of adopting the annual budget or by resolution of the Town Council taking into consideration the part time nature of the position. This section shall be codified under EMC 2.24.030.

Section 9: That part of Article 1, Section 1 of ordinance 108, as codified under EMC 2.28.010, is amended to read as follows: The fire department shall consist of a fire chief, one assistant fire chief, and as many other officer positions and firefighter positions as are or may be approved by the Town Council.

Section 10: That part of Article 1, Section 2 of ordinance 108, as codified under EMC 2.28.030 is amended to read as follows:

Fire Chief--appointment and term. The fire chief shall serve part time, shall be appointed by the Mayor, and shall serve at the discretion of the Mayor.

Section 11: That part of Article 2, Section 2 of Ordinance 108, as codified under EMC 2.28.040 is amended as follows: The title and opening paragraph is amended to read as follows: Fire Chief--Powers and duties. The fire chief, under the direction of the Mayor, is head of the Town fire department and is responsible for planning, organizing, and directing an emergency organization specifically concerned with minimizing the loss of life and property caused by fire. This includes the planning, direction, and coordination of personnel engaged in fire fighting, fire inspections, training, maintenance and repair of fire equipment, alarm systems, and station upkeep, and to report all fires of criminal, suspected, or undetermined origin to the state fire marshal. The fire chief's duties shall also include the following:

A. To have direct control, management and direction of all officers and firefighters of the fire department and the power to detail any of them to such public service as he/she may see fit, looking to the best interest and efficiency of the department;

B. To carry out the enforcement of the rules and regulations of the department, and to be able to suspend or remove from service any officer or firefighter for cause in such manner as is provided in this chapter;

C. To exercise supreme command over the department at fires and over all equipment belonging to it;

D. To cause all fires to be extinguished with the least possible danger to life and property and to the extent possible to prevent unnecessary damage by water at fires; however the town shall not have any liability under this section for any damage caused by excessive water damage.

E. To see that the premises on which fires occur are left in such condition that they will not rekindle and cause further damage to life and property;

F. To observe the general condition of the department and apparatus and make a monthly report to the supervisory body concerning same, along with a complete report of the activities of the department;

G. To the extent possible to make an investigation of each fire, keeping a record of and determining the cause, amount of loss to building and contents, amount of insurance coverage and insurance paid, and number and description of each building destroyed, together with names of owners and occupants;

H. The chief is authorized, empowered and required to inspect from time to time, all buildings and premises where accumulations of combustible materials or other hazardous conditions are liable to exist, and to issue such changes and recommendations required for compliance with current town fire codes. For purposes of inspection, he/she is empowered to enter any and all buildings and premises at any reasonable hour;

I. No member of the department shall be eligible for appointment as fire chief or assistant fire chief whose night, is not spent within the Town limits;

J. It shall be the duty of the fire chief to see that all new hose is tested at two hundred pounds hydrostatic pressure, and that all hose is tested annually at one hundred fifty pounds hydrostatic pressure;

K. It shall be the duty of the fire chief to see that the fire hall is heated during the winter;

L. It shall be the duty of the fire chief to see that all hose is washed and dried after use at fires and drills, and that all fire equipment is kept in good condition and constantly ready for use;

M. It shall be the duty of the fire chief to see that each Town firefighter is properly trained, and provided with updated training on a regular basis.

Section 12: Article 1, Section 3 of Ordinance 108, as codified under EMC 2.28.050, is amended to read as follows:

Assistant fire chief--appointment--term. The assistant fire chief shall be appointed by the fire chief, and confirmed by the Mayor, to serve for a term of one year.

Section 13: Article 2, Section 3 of Ordinance 108, as codified under EMC 2.28.060, is amended to read as follows:

Assistant fire chief--eligibility. No member of the department may be eligible for appointment as assistant fire chief who on a regular basis is absent from the Town limits from 6:00 p.m. to 6:00 a.m.

Section 14: Article 3, Section 3 of Ordinance 108, as codified under EMC 2.28.070, is hereby amended to read as follows:

Assistant fire chief--Powers and duties. The assistant fire chief is authorized, empowered and required to carry out the duties of fire chief, in his/her absence, or any portion of such duties as he/she may be ordered to do by the fire chief.

Section 15: Article 1, Section 4 of Ordinance 108, codified under EMC 2.28.080, is hereby amended to read as follows:

Officers--Police authority at fires: The fire chief and his/her assistants or officers in command at any fire are invested with full and complete police authority, and are authorized and directed to require and secure the removal of any and all obstructions in front of and around fire hydrants, and for that purpose are authorized to call upon the head of any of the municipal departments for aid and assistance in securing such removal of obstructions.

Section 16: Article 1, Section 5 of Ordinance 108, codified under EMC 2.28.090, is hereby amended to read as follows:

Firefighters--Response to alarm. All firefighters upon the sounding of an alarm shall report for duty immediately and with all possible speed, as the fire chief shall designate.

Section 17: Article 3, Section 5 of Ordinance 108, codified under EMC 2.28.110, is hereby amended to read as follows:

Firefighters--Firefighting duties. All firefighters shall do everything in their power to control and extinguish fires, under direction of the fire chief, and shall remain at their posts of duty unless excused by the commanding officer.

Section 18: Article 2, Section 5 of Ordinance 108, as codified under EMC 2.28.100, is amended to read as follows: All firefighters shall be trained to handle any and all fire equipment, and shall be trained to handle any and all emergency medical services equipment.

Section 19: Article 1, Section 6 of Ordinance 108, as codified under EMC 2.28.120, is amended to read as follows: **Per-diem. All approved firefighters and officers of the fire department shall receive Three dollars for each meeting and/or drill attended. They shall receive four dollars and ninety-five cents, as per-diem reimbursement for travel and clothing expense, per call, if, during the course of the month in which the call occurred, they have attended a meeting and/or drill. No volunteer firefighter shall receive a salary for work performed.**

Section 20: Article 2, Section 7 of Ordinance 108, as codified under EMC 2.28.140, is amended to read as follows: **No fire equipment or apparatus shall be rented, leased, borrowed, loaned, or let out for hire, except on consent of the Mayor and the fire chief, and then only in the case of a fire in an adjacent or neighboring municipality, or neighboring fire district through a mutual aid agreement.**

Section 21: Section 1 of Ordinance 84-3, as codified under EMC 2.28.150, is amended to read as follows: **The salary of the fire chief may be set by ordinance at the time of adoption of the annual budget, or by resolution of the Town Council.**

Section 22: Section 6 of Ordinance 78-8 and Section 2 of Ordinance 151, as codified- under EMC 2.36.010, is repealed.

Procedures for Candidacy. All candidates for elective public office in the Town government shall be nominated by filing declarations of candidacy, in such form as provided by the laws of the state, with the Town Clerk and the county auditor within the time prescribed by state statute. A filing fee of ten dollars shall accompany the declaration of candidacy for any office with an annual salary of one thousand dollars or less; a filing fee equal to one percent of the annual salary shall accompany the declaration of candidacy for any office with an annual salary of more than one thousand dollars per annum, and no fee may be charged if the office sought is without a fixed annual salary. The fee shall be paid to the county auditor who shall transmit it to the Town Clerk for deposit in the Town treasury as provided in RCW 29.18.050(4). This section shall be codified under E.M.C. 2.36.010.

Section 23: Personnel Policies and Procedures. The Town shall develop, document and maintain personnel policies and procedures for the Town of Eatonville by resolution of the Town Council. This section shall be codified under EMC 2.44.010.

Section 24: Job Description. The Mayor or his/her designee shall maintain job descriptions for each job position authorized in the Town of Eatonville. They shall be on file in the Town files. This section shall be codified under EMC 2.30.010.

Section 25: Section 5 of ordinance 71-6, as codified under EMC 2.48.010, is repealed.

Section 26: Section 3 of Ordinance 173, as codified under EMC 2.56.030, is hereby amended to read as follows: The Town shall pay to the State Volunteer Firemen's Relief and Pension Fund the fees required annually from the Town for the enrollment of the members of its volunteer fire department in the pension fund. The Town shall pay into the pension fund the approximate fees for years of prior service as members of the volunteer fire department for the benefit of those members with previous service who voluntarily desire to contribute the matching fees required by state law to secure credit as enrolled members of the state pension fund for such prior service with the volunteer fire department.

PASSED by the Council of the Town of Eatonville at a regular meeting held this ____ day of _____ 1992.

Mayor

ATTEST:

Clerk

Approved as to Form:

Hollis H. Barnett
Town Attorney

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 § 2058; 1965 c 7 § 35.27.170. Prior: 1961 c 89 § 6; prior: 1921 c 24 § 1, part; 1890 p 209 § 168, part; RRS § 9187, 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 § 2059; 1965 c 7 § 35.27.190. Prior: (i) 1945 c 58 § 2; Rem. Supp. 1945 § 9177-2. (ii) 1945 c 58 § 3; Rem. Supp. 1945 § 9177-3.]

RCW 39.58.050**Collateral for deposits -- Segregation -- Eligible securities.**

(1) Every public depository shall complete a depository pledge agreement with the commission and a trustee, and shall at all times maintain, segregated from its other assets, eligible collateral in the form of securities enumerated in this section having a value at least equal to its maximum liability and as otherwise prescribed in this chapter. Such collateral shall be segregated by deposit with the depository's trustee and shall be clearly designated as security for the benefit of public depositors under this chapter.

(2) Securities eligible as collateral shall be valued at market value, and the total market value of securities pledged in accordance with this chapter shall not be reduced by withdrawal or substitution of securities except by prior authorization, in writing, by the commission.

(3) The public depository shall have the right to make substitutions of an equal or greater amount of such collateral at any time.

(4) The income from the securities which have been segregated as collateral shall belong to the public depository without restriction.

(5) Each of the following enumerated classes of securities, providing there has been no default in the payment of principal or interest thereon, shall be eligible to qualify as collateral:

(a) Certificates, notes or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States;

(b) State, county, municipal, or school district bonds or warrants of taxing districts of the state of Washington or any other state of the United States, provided that such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations;

(c) The obligations of any United States government-sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system;

(d) Bonds, notes, letters of credit, or other securities or evidence of indebtedness constituting the direct and general obligation of a federal home loan bank or federal reserve bank;

(e) Revenue bonds of this state or any authority, board, commission, committee, or similar agency thereof, and any municipality or taxing district of this state;

(f) Direct and general obligation bonds and warrants of any city, town, county, school district, port district, or other political subdivision of any state, having the power to levy general taxes, which are payable from general ad valorem taxes;

(g) Bonds issued by public utility districts as authorized under the provisions of Title 54 RCW, as now or hereafter amended;

(h) Bonds of any city of the state of Washington for the payment of which the entire revenues of the city's water system, power and light system, or both, less maintenance and operating costs, are irrevocably pledged, even though such bonds are not general obligations of such city.

(6) In addition to the securities enumerated in this section, every public depository may also segregate such bonds, securities, and other obligations as are designated to be authorized security for public deposits under the laws of this state.

(7) The commission may determine by rule or resolution whether any security, whether or not enumerated in this section, is or shall remain eligible as collateral when in the commission's judgment it is desirable or necessary to do so.

[2009 c 9 § 4; 1996 c 256 § 4; 1989 c 97 § 4; 1984 c 177 § 13; 1983 c 66 § 8; 1975 1st ex.s. c 77 § 3; 1973 c 126 § 11; 1969 ex.s. c 193 § 5.]

NOTES:

Effective date -- 2009 c 9: See note following RCW 39.58.010.

Severability -- 1983 c 66: See note following RCW 39.58.010.

RCW 35.49.060**Payment by city or town.**

On or before the fifteenth day of August of each year, the city or town treasurer shall certify to the city or town council a detailed statement showing:

- (1) The proceedings authorizing and confirming any local improvement assessments or utility local improvement assessments affecting city or town property,
- (2) The lots, tracts, or parcels of lands of the city or town so assessed,
- (3) The several assessments against each,
- (4) The interest, penalties, and charges thereon,
- (5) The penalties and charges which will accrue upon the assessments to the date of payment, and
- (6) The total of all such assessments, interest, penalty, and charges.

The longest outstanding liens shall be paid first, but if the money in the "city (or town) property assessments redemption fund" is insufficient at any time to discharge all such liens against the lands of the city or town upon a given assessment roll, the city or town treasurer may pay such portion thereof as may be possible from the funds available.

If deemed necessary, the city or town council may transfer money from the general fund to the redemption fund as a loan to be repaid when the money is available for repayment.

[1967 c 52 § 14; 1965 c 7 § 35.49.060. Prior: 1929 c 183 § 2, part; 1909 c 130 § 2; RRS § 9345, part.]

NOTES:

Construction -- Severability -- 1967 c 52: See notes following RCW 35.43.042.