

**RCW 35.43.180 Restraint by protest.** The jurisdiction of the legislative authority of a city or town to proceed with any local improvement initiated by resolution shall be divested by a protest filed with the city or town council within thirty days from the date of passage of the ordinance ordering the improvement, signed by the owners of the property within the proposed local improvement district or utility local improvement district subject to sixty percent or more of the total cost of the improvement including federally-owned or other nonassessable property as shown and determined by the preliminary estimates and assessment roll of the proposed improvement district or, if all or part of the local improvement district or utility local improvement district lies outside of the city or town, such jurisdiction shall be divested by a protest filed in the same manner and signed by the owners of property which is within the proposed local improvement district or utility local improvement district but outside the boundaries of the city or town, and which is subject to sixty percent or more of that part of the total cost of the improvement allocable to property within the proposed local improvement district or utility local improvement district but outside the boundaries of the city or town, including federally-owned or other nonassessable property: PROVIDED, That such restraint by protest shall not apply to any of the following local improvements, if the legislative body finds and recites in the ordinance or resolution authorizing the improvement that such improvement is necessary for the protection of the public health and safety and such ordinance or resolution is passed by unanimous vote of all members present: (1) Sanitary sewers or watermains where the health officer of the city or town, or department of ecology, files with the legislative authority a report showing the necessity for such improvement; and (2) fire hydrants where the chief of the fire department files a report showing the necessity for such improvement. [1983 c 303 s 3; 1967 c 52 s 8; 1965 c 58 s 2; 1965 c 7 s 35.43.180. Prior: 1963 c 56 s 2; 1957 c 144 s 12; prior: 1949 c 28 s 1, part; 1931 c 85 s 1, part; 1927 c 109 s 1, part; 1923 c 135 s 1, part; 1921 c 128 s 1, part; 1915 c 168 s 1, part; 1911 c 98 s 12, part; Rem. Supp. 1949 s 9363, part.]

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