

Chapter 35A.06 RCW
ADOPTION AND ABANDONMENT OF NONCHARTER CODE CITY CLASSIFICATION OR
PLAN OF GOVERNMENT

Sections

- 35A.06.010 Each optional plan of government declared complete form of government.
- 35A.06.020 Laws applicable to noncharter code cities.
- 35A.06.030 Abandonment of plan of government of a noncharter code city.
- 35A.06.040 Abandonment—Resolution or petition for election.
- 35A.06.050 Abandonment—Election.
- 35A.06.060 Abandonment—Reorganization under plan adopted—Effective date.
- 35A.06.070 Abandonment of noncharter code city classification without reorganization.

RCW 35A.06.010 Each optional plan of government declared complete form of government. Each of the optional plans of government authorized by chapter 35A.12 RCW and chapter 35A.13 RCW, with any amendments thereto, is declared to be a complete and separate plan of government authorized by the legislature for submission to the voters of a municipality or for adoption by resolution of the legislative body thereof in the manner provided herein, and is additional to the plans of government existing prior to the time this title takes effect. [1967 ex.s. c 119 s 35A.06.010.]

RCW 35A.06.020 Laws applicable to noncharter code cities. The classifications of municipalities as first-class cities, second-class cities, unclassified cities, and towns, and the restrictions, limitations, duties, and obligations specifically imposed by law upon such classes of cities and towns, shall have no application to noncharter code cities, but every noncharter code city, by adopting such classification, has elected to be governed by the provisions of this title, with the powers granted hereby. However, any code city that retains its old plan of government is subject to the laws applicable to that old plan of government until the city abandons its old plan of government and reorganizes and adopts a plan of government under chapter 35A.12 or 35A.13 RCW. [1997 c 361 s 17; 1995 c 134 s 11. Prior: 1994 c 223 s 27; 1994 c 81 s 68; 1967 ex.s. c 119 s 35A.06.020.]

RCW 35A.06.030 Abandonment of plan of government of a noncharter code city. By use of the resolution for election or petition for election methods described in RCW 35A.06.040, any noncharter code city which has operated for more than six consecutive years under one of the optional plans of government authorized by this title, or for more than a combined total of six consecutive years under a particular plan of government both as a code city and under the same general plan under Title 35 RCW immediately prior to becoming a code city, may abandon such organization and may reorganize and adopt another plan of government authorized for noncharter code cities, but only after having been a noncharter code city for more than one year or a city

after operating for more than six consecutive years under a particular plan of government as a noncharter code city: PROVIDED, That these limitations shall not apply to a city seeking to adopt a charter.

In reorganization under a different general plan of government as a noncharter code city, officers shall serve the remainder of their terms. If a city with a mayor-council plan of government is reorganized with a council-manager plan of government, the mayor shall serve as a councilmember for the remainder of his or her term. If a city with a council-manager plan of government is reorganized with a mayor-council plan of government, the mayor shall be elected as provided in RCW 35A.02.050. When a noncharter code city adopts a plan of government other than those authorized under Title 35A RCW, such city ceases to be governed under this optional municipal code, shall be classified as a city or town of the class selected in the proceeding for adoption of such new plan, with the powers granted to such class under the general law, and shall elect officers as provided in RCW 35A.02.050. [2001 c 33 s 2; 1994 c 223 s 28; 1994 c 81 s 69; 1979 ex.s. c 18 s 14; 1971 ex.s. c 251 s 13; 1967 ex.s. c 119 s 35A.06.030.]

Severability—1979 ex.s. c 18: See note following RCW 35A.01.070.

RCW 35A.06.040 Abandonment—Resolution or petition for election.

(1) Upon the passage of a resolution of the legislative body of a noncharter code city, or upon the filing of a sufficient petition with the county auditor signed by registered voters in number equal to not less than ten percent of the votes cast at the last general municipal election therein, proposing abandonment by the city of the plan of government under which it is then operating and adoption of another plan, naming such plan and its effective date, the sufficiency of the petition for abandonment shall be determined, an election ordered and conducted, and the results declared generally as provided in chapter 35A.02 RCW insofar as such provisions are applicable. If the resolution or petition proposes a plan of government other than those authorized in chapters 35A.12 RCW and 35A.13 RCW of this title, the resolution or petition shall specify the class under which such city will be classified upon adoption of such plan.

(2) A resolution proposing abandonment of a city's current plan of government and the adoption of a council-manager plan of government under subsection (1) of this section may be combined with a resolution proposing to designate the person elected to council position one as the chair of the council as described in RCW 35A.13.033, and such a combined proposal may be placed before the voters of the city as a single proposition. [2022 c 30 s 1; 1990 c 259 s 4; 1967 ex.s. c 119 s 35A.06.040.]

Sufficiency of petition in code city: RCW 35A.01.040.

RCW 35A.06.050 Abandonment—Election. The proposal for abandonment of a plan of government as authorized in RCW 35A.06.030 and for adoption of the plan named in the resolution or petition shall be voted upon at the next general election in accordance with RCW 29A.04.330, or at a special election held prior to the next general election in accordance with the resolution of the legislative body.

The ballot title and statement of the proposition shall be prepared by the city attorney as provided in RCW 35A.29.120. [2009 c 7 s 1; 2004 c 268 s 2; 1994 c 223 s 29; 1979 ex.s. c 18 s 15; 1967 ex.s. c 119 s 35A.06.050.]

Effective date—2009 c 7: "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 takes effect immediately [February 18, 2009]." [2009 c 7 s 2.]

Effective date—2004 c 268: "This act takes effect July 1, 2004." [2004 c 268 s 3.]

Severability—1979 ex.s. c 18: See note following RCW 35A.01.070.

RCW 35A.06.060 Abandonment—Reorganization under plan adopted—Effective date. If a majority of votes cast at the election favor abandonment of the general plan of government under which the noncharter code city is then organized and reorganization under the different general plan proposed in the resolution or petition, the officers to be elected shall be those prescribed by the plan of government so adopted, and they shall be elected as provided in RCW 35A.06.030. If the city is adopting a plan of government other than those authorized under this title, the officers shall be elected at the next succeeding general municipal election. Upon the election, qualification, and assumption of office by such officers the reorganization of the government of such municipality shall be complete and such municipality shall thereafter be governed under such plan. If the plan so adopted is not a plan authorized for noncharter code cities, upon the election, qualification, and assumption of office by such officers the municipality shall cease to be a noncharter code city governed under the provisions of this optional municipal code and shall revert to the classification selected and shall be governed by the general laws relating to municipalities of such class with the powers conferred by law upon municipalities of such class. Such change of classification shall not affect the then existing property rights or liabilities of the municipal corporation. [2001 c 33 s 3; 1979 ex.s. c 18 s 16; 1967 ex.s. c 119 s 35A.06.060.]

Severability—1979 ex.s. c 18: See note following RCW 35A.01.070.

RCW 35A.06.070 Abandonment of noncharter code city classification without reorganization. By means of the procedures set forth in this chapter, insofar as they apply, any noncharter code city which has been governed under the provisions of this title for more than six years may abandon the classification of noncharter code city and elect to be governed under the general law relating to cities or towns of the classification held by such city immediately prior to becoming a noncharter code city, if any, or relating to cities or towns of the highest class for which it is qualified by population, with the powers conferred by law upon such class, while retaining the plan of government under which it is then organized. A change of classification approved by a majority of the voters voting on such proposition shall become effective upon the filing of the record of

such election with the office of the secretary of state. [1967 ex.s.
c 119 s 35A.06.070.]