

## CHAPTER 105.

[S. B. 63.]

## PROTECTION AGAINST FOREST FIRES AND AGAINST DANGEROUS FOREST CONDITIONS DECLARED PUBLIC NUISANCES.

AN ACT relating to the forests of the state; requiring owners of forest land to provide patrol therefor, declaring certain dangerous forest conditions to be public nuisances and providing for their abatement, providing for the creation of official fire districts and for the co-operation of the state with other agencies in protecting such districts, prescribing methods for assessing and collecting the costs incurred in carrying out the provisions thereof, and prescribing the procedure for serving notices required thereby and by other forests laws of the state.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Every owner of forest land in the State of Washington shall furnish or provide therefor, during the season of the year when there is danger of forest fires, adequate protection against the spread of fire thereon or therefrom which shall meet with the approval of the state board of forest commissioners: *Provided, however,* That for the purposes of this section forest land shall be deemed to be adequately protected if within one mile of the owner's permanent residence or if the owner shall furnish patrol and protection therefor equal in standard, efficiency and seasonal duration to that of those who are in good faith maintaining organized patrol and protection of their lands against fire with the approval of the state board of forest commissioners: *Provided further,* That for the purposes of this section forest lands, lying in counties east of the summit of the Cascade mountains, shall be deemed to be adequately protected where patrol is furnished by the United States forest service of a standard and efficiency and seasonal duration, deemed by the state board of forest commissioners to be sufficient for the proper protection of the forest land of such counties.

Forest land owners to protect against fires.

What deemed adequate protection.

Provision for lands east of Cascade mountains.

SEC. 2. If any owner or owners of forest land shall neglect or fail to provide adequate fire protection therefor

Protection provided by state forester.

as required by section one of this act, then the state forester, under direction from the state board of forest commissioners, shall provide such protection therefor at a cost not to exceed five (5) cents an acre per annum. Any amounts paid or contracted to be paid by the state forester for this purpose shall be a lien upon the property patrolled and protected and, unless reimbursed by the owner within ten days after October first of the year in which they were incurred, on which date the state forester shall be prepared to make statement thereof upon request to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the state forester to the county assessors of the county or counties in which the property is situated who shall extend the amounts upon the tax rolls covering such property, and the amounts shall be collected at the time and in the same manner that the next taxes on the same property are collected. The procedure provided by law for the collection of taxes and delinquent taxes shall be applicable thereto, and upon collection thereof the county officials shall repay said amounts to the state forester to be applied to the expenses incurred in carrying out the provisions of this section.

Cost of protection to be extended on county tax rolls.

SEC. 3. Any fire on any forest land in the State of Washington burning uncontrolled and without proper precaution being taken to prevent its spread is hereby declared a public nuisance by reason of its menace to life or property. Any person, firm or corporation responsible for either the starting or the existence of such fire is hereby required to control or extinguish it immediately, without awaiting instructions from a forest officer, and if said responsible person, firm or corporation shall refuse, neglect or fail to do so, the state forester, or any fire warden or forest ranger acting with his authority, may summarily abate the nuisance thus constituted by controlling or extinguishing the fire and the cost thereof may be recovered from said responsible person, firm or corporation by action for debt and, if the work is performed

Uncontrolled forest fire a public nuisance.

Expense of abatement recoverable against offender.

on the property of the offender, shall also constitute a lien upon said property. Such lien may be filed by the state forester in the office of the county auditor and foreclosed in the manner provided by law for the foreclosure of liens for labor and material. It shall be the duty of the prosecuting attorney for the county to bring such action for debt, or to foreclose such lien, upon the request of the state forester.

Lien on Offender's property.

SEC. 4. Any and all cut-over land or slashings in the State of Washington covered wholly or in part by inflammable debris and which by reason of such condition is likely to further the spread of fire and thereby endanger life or property is hereby declared a public nuisance, and whenever the state forester shall determine and give written notice that such nuisance exists its abatement is hereby required of the owners so notified, or of the notified person or agency responsible for its existence if such be not the owner, by the burning or other removal of said debris under the state forester's direction at such time and in such manner and with such provision of help as he shall deem necessary to public safety. If the person, firm or corporation responsible for the existence of any such nuisance shall refuse, neglect or fail to abate it after notice by the state forester, the latter may cause it to be abated, and the cost thereof, and of any patrol or fire-fighting made necessary by the delay, shall be a lien upon the property upon which the nuisance was abated and may be recovered as provided for the recovery of costs in section 3 of this act: *Provided*, That slashings, made in accordance with the rules and regulations prescribed by the state board of forest commissioners, shall not be declared a nuisance.

When cut-over land or slashings constitute public nuisance.

Notice to abate.

Cost of abatement by forester declared lien on property.

SEC. 5. When any responsible protective agency or agencies composed of timber owners other than the state shall agree to undertake systematic forest protection in co-operation therewith and such co-operation shall appear more advantageous to the state than the maintenance of the independent system provided elsewhere by law, the

Co-operative protection by timber owners recognized.

state forester may, with the approval of the state board of forest commissioners, designate suitable areas to be official co-operative districts and substitute thereto whenever necessary, in place of the county wardens elsewhere provided by law, such district wardens, with such district headquarters and duties, as may be agreed upon by him and by the co-operating agencies to render such co-operation most effective. He may also co-operate in the compensation of such wardens, or in the payment of other expenses for the prevention and control of fire in such official fire districts, to such extent as the board of forest commissioners may deem equitable on behalf of the state, and claim for such payments shall be approved and paid in the manner prescribed for claims outside such co-operative districts.

What  
constitutes  
forest land.

SEC. 6. For the purposes of this act any land shall be considered forest land which has enough timber, standing or down, or inflammable debris, to constitute in the judgment of the state board of forest commissioners a fire menace to life or property.

Sufficiency  
of service  
of notices.

SEC. 7. Any notice required by this or other acts to be served by a forest officer shall be sufficient if a written or printed copy thereof is delivered, mailed or telegraphed by a forest officer to the person to receive notice or to his responsible agent, or, in case the name or address of such person or agent is unknown to the officers and cannot be obtained by reasonable diligence, by posting such copy in a conspicuous place upon the premises concerned by this notice.

Passed the Senate February 8, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 13, 1917.