

CHAPTER 237.

[S. B. 102.]

PUBLIC NUISANCES—EXCAVATIONS.

AN ACT relating to public nuisances; declaring certain excavations to be public nuisances; and amending section 1, chapter 14, Laws of 1895 and RCW 7.48.140.

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

Amendment.

SECTION 1. Section 1, chapter 14, Laws of 1895 and RCW 7.48.140 are each amended to read as follows:

Constitute public nuisance.

It is a public nuisance:

Cause or suffer deposit of noisome substance.

(1) To cause or suffer the carcass of any animal or any offal, filth, or noisome substance to be collected, deposited, or to remain in any place to the prejudice of others;

Deposit offensive matter in water course or public highway.

(2) To throw or deposit any offal or other offensive matter, or the carcass of any dead animal, in any watercourse, stream, lake, pond, spring, well, or common sewer, street, or public highway, or in any manner to corrupt or render unwholesome or impure the water of any such spring, stream, pond, lake, or well, to the injury or prejudice of others;

Obstruct water passage.

(3) To obstruct or impede, without legal authority, the passage of any river, harbor, or collection of water;

Obstruct public highways.

(4) To obstruct or encroach upon public highway, private ways, streets, alleys, commons, landing places, and ways to burying places;

Manufacture of highly explosive substances.

(5) To carry on the business of manufacturing gun powder, nitroglycerine, or other highly explosive substance, or mixing or grinding the materials therefor, in any building within fifty rods of any valuable building erected at the time such business may be commenced;

Establish powder magazines.

(6) To establish powder magazines near incorporated cities or towns, at a point different from that appointed by the corporate authorities of such

city or town; or within fifty rods of any occupied dwelling house;

(7) To erect, continue, or use any building, or other place, for the exercise of any trade, employment, or manufacture, which, by occasioning obnoxious exhalations, offensive smells, or otherwise is offensive or dangerous to the health of individuals or of the public;

Use building which by offensive smells is offensive to public.

(8) To suffer or maintain on one's own premises, or upon the premises of another, or to permit to be maintained on one's own premises, any place where wines, spirituous, fermented, malt, or other intoxicating liquors are kept for sale or disposal to the public in contravention of law;

Intoxicating liquors kept in contravention of law.

(9) For an owner or occupier of land, knowing of the existence of a well, septic tank, cesspool, or other hole or excavation ten inches or more in width at the top and four feet or more in depth, to fail to cover, fence or fill the same, or provide other proper and adequate safeguards: *Provided*, That this section shall not apply to a hole one hundred square feet or more in area or one that is open, apparent, and obvious.

Failure to cover, fill or fence excavations, wells, etc.

No application.

Every person who has the care, government, management, or control of any building, structure, powder magazine, or any other place mentioned in this section shall, for the purposes of this section, be taken and deemed to be the owner or agent of the owner or owners of such building, structure, powder magazine or other place, and, as such, may be proceeded against for erecting, contriving, causing, continuing, or maintaining such nuisance.

Owner or agent of, under act.

Passed the Senate February 2, 1955.

Passed the House March 6, 1955.

Approved by the Governor March 17, 1955.