

## CHAPTER 127.

[S. B. 90.]

## ABATEMENT LAW.

AN ACT relating to houses or places of lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same, and the owner or agent of any building or property used for such purposes, and to assess a tax against the person or persons maintaining said nuisance and against the building or property and owner and agent thereof.

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

SECTION 1. Whoever shall erect, establish, maintain, continue, use, own or lease any building or place used for the purpose of lewdness, assignation or prostitution is guilty of a nuisance, and the building or place, or the ground itself, in or upon which lewdness, assignation or prostitution is conducted, permitted or carried on, continued or exists, and the furniture, fixtures, musical instruments, and contents are also declared a nuisance, and shall be enjoined and abated as hereinafter provided.

Houses of prostitution to be abated.

SEC. 2. Whenever a nuisance exists, as defined in this act, the prosecuting attorney or any citizen of the county may maintain an action in equity in the name of the State of Washington upon the relation of such prosecuting attorney or citizen, to perpetually enjoin said nuisance, the person or persons conducting or maintaining the same, and the owner or the agent of the building or ground upon which said nuisance exists. In such action, the court or judge may upon the presentation of a petition therefor alleging that the nuisance complained of exists, allow a temporary injunction if it shall be made to appear to the satisfaction of the court or judge that such nuisance exists. At least three days' notice in writing shall be given the defendant of the hearing of the application. Any violation of the provisions of injunction herein provided shall be a contempt as hereinafter provided.

Who may commence action.

Temporary injunction.

SEC. 3. In such action evidence of the general reputation of the place shall be admissible for the purpose of

General reputation of place.

Limitation  
on dismissal  
of actions.

proving the existence of said nuisance. If the complaint is filed by a citizen, it shall not be dismissed except upon a sworn statement made by the complainant and his attorney, setting forth the reasons why the action should be dismissed, and the dismissal approved by the prosecuting attorney in writing or in open court. If the court is of the opinion that the action ought not to be dismissed, he may direct the prosecuting attorney to prosecute such action to judgment, and if the action is continued more than once, upon the application of either party, any citizen of the county or the prosecuting attorney may be substituted for the complaining party and prosecute said action to judgment. If the action is brought by a citizen and the court finds there was no reasonable ground or cause for said action, the costs may be taxed to such citizen who originally brought such action.

Complainant  
to pay cost  
of frivolous  
action.

Contempt.

SEC. 4. In case of the violation of any injunction granted under the provisions of this act, the court or judge may summarily try and punish the offender. The proceedings shall be commenced by filing with the clerk of the court an information under oath, setting out the alleged facts constituting such violation, upon which the court or judge shall cause an attachment to issue, under which the defendant shall be arrested. The trial may be had upon affidavit, or either party may demand the production and oral examination of the witnesses. A party found guilty of contempt under the provisions of this section shall be punished by a fine of not less than two hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than three nor more than six months, or by both fine and imprisonment.

Punishment.

Order of  
abatement  
to be entered.  
Effect of  
order.

SEC. 5. If the existence of the nuisance be established in an action as provided in this act, or in a criminal proceeding, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the building or place of all fixtures, furniture, musical instruments or movable property used in conducting the nuisance, and may direct the sale thereof

in the manner provided for the sale of chattels under execution and effectual closing of the building or place against its use for any purpose, and so keeping it closed for a period not exceeding six months. If any person shall break and enter or use a building or place so directed to be closed, he shall be punished as for contempt as provided in the preceding section. For removing and selling all movable property, the officer shall be entitled to charge and receive the same fees as he would for levying upon and selling like property on execution, and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.

Furniture  
may be sold.

Contempt  
to enter  
building  
abated.

Fees of  
officers.

SEC. 6. The proceeds of the sale of the personal property, as provided in the preceding section, shall be applied in payment of the costs of the action and abatement, and the balance, if any, shall be paid to the person owning such property prior to said sale.

Proceeds  
of sales.

SEC. 7. If the owner appears and pays all costs of the proceedings, and files a bond with sureties to be approved by the clerk in the full value of the property, to be ascertained by the court conditioned that he will immediately abate said nuisance and prevent the same from being established or kept therein within a period of one year thereafter, the court or judge may, if satisfied of his good faith order the premises closed under the order of abatement to be delivered to said owner, and said order of abatement cancelled so far as same may relate to said property, and if the proceeding be an action in equity and said bond be given and costs therein paid before judgment and order of abatement, the action shall be thereby abated as to said building only. The release of the property under the provisions of this action [section] shall not release it from any judgment, lien, penalty or liability to which it may be subject by law.

Voluntary  
abatement.

Release  
does not  
exempt.

SEC. 8. Whenever a permanent injunction issues against any person for maintaining a nuisance as herein defined, or against any owner or agent of the building kept

Penalty  
against the  
property as  
a tax of  
\$300.00.

Assessor  
to levy.

Sheriff to  
make, when.

Tax a lien.

or used for the purposes prohibited by this act, there shall be assessed against said building and the ground upon which the same is located and against the person or persons maintaining said nuisance, and the owner or agent of said premises, a tax of three hundred dollars. The assessment of said tax shall be made by the county assessor of the county in which the nuisance exists and shall be made within three months from the date of the granting of the permanent injunction. In case the assessor fails or neglects to make said assessment the same shall be made by the sheriff of the county, and a return of said assessment shall be made to the county treasurer. Said tax may be enforced and collected in the manner prescribed for the collection of taxes under the general revenue laws and shall be a perpetual lien upon the real property, and personal property not already sold as provided by this act, used for the purpose of maintaining said nuisance, and the payment of said tax shall not relieve the person or building from any penalties provided by law, and when collected shall go into the county general fund.

Passed the Senate March 6, 1913.

Passed the House March 12, 1913.

Approved by the Governor March 19, 1913.

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## CHAPTER 128.

[Sub. S. B. 224.]

### RELATING TO TRESSPASSING ON RAILROADS.

AN ACT prohibiting persons from going upon or being upon certain portions of rights of way of railroads and interurban electric roads, providing penalties for violation hereof and requiring certain signs to be erected at highway crossings.

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

Not to walk  
on double  
tracked road  
(see Rem.-  
Bal., § 2864 ;  
Pierce's  
Code, 1912,  
185 § 821).

SECTION 1. It shall be unlawful for any person to go upon or be upon that portion of any railroad right of way upon which is constructed and operated more than one main line track or upon which is constructed and operated