

CHAPTER 242.

[S. B. 268.]

SHADE TREES AND SHRUBBERY ON PUBLIC HIGHWAYS.

AN ACT relating to public highways and the improvement thereof, permitting and regulating the use of portions thereof for the purpose of cultivation and the planting of shade or ornamental trees, hedges or shrubbery thereon, providing penalties for violation thereof and repealing Chapter 118 of the Laws of 1903.

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

SECTION 1. Any person, firm or corporation owning cultivated lands abutting upon any state, county or township highway, and desiring to plant, cultivate and grow a hedge or hedges along the boundary thereof, or to plant, cultivate and grow shade or ornamental trees or shrubbery thereon, or to clear and cultivate a portion of such highway for the purpose of growing crops and destroying noxious weeds, or any corporation or association or organization of individuals interested in public improvement and desiring to improve and beautify the public highways, by planting, cultivating and growing shade or ornamental trees or shrubbery thereon, may, upon application to the state highway committee, the board of county commissioners or the township supervisors, as the case may be, having charge of any such highway, be granted a permit therefor as in this act provided.

SEC. 2. Each application for a permit to improve and beautify a highway under the provisions of this act, shall be in writing, signed by the applicant and shall describe the highway to be improved by name, or number, or other reasonable description, and the

Permit to plant trees, etc., and cultivate portion of highway.

Application to whom.

Form of application.

lands bordering thereon by government subdivisions, and shall state the names, places of residences, post office addresses of the applicant owning the land abutting upon the highway, or the name of the corporation, association or organization applying for the permit and the names of its officers and their places of residence and their post office addresses, and shall state definitely the purpose for which the permit is sought, giving a description of the kind of hedge, or variety of shrubbery or trees desired to be planted or the kinds of crops to be grown, as the case may be.

SEC. 3. Upon the filing of any such application, the state highway committee, the board of county commissioners or the township supervisors, as the case may be, shall cause the state highway engineer, the county engineer or the overseer of highways to make an examination of the highway described in the application and to report his findings and recommendations as to the granting of the permit, and if it shall appear to the satisfaction of the state highway committee, the board of county commissioners or the township supervisors, that the use of a portion of the highway for the purposes set out in the application will not interfere with the use of such highway for public travel and will beautify and improve such highway, it shall grant and issue to the applicant a permit to plow and cultivate and grow crops upon or to plant, cultivate and grow shrubbery or trees upon, or to plant and grow a hedge along the boundary of, such portion of such highway as shall be definitely described in said permit, and to construct and maintain for a definite period specified in such permit, a temporary but substantial fence on and along the portion of the highway described in the permit but not to exceed ten feet from the border thereof, for the protection of such

Examination
of highway
described.

Report and
recommen-
dation.

Permit
issued.

Period of
permit.

crops, shrubbery, trees or hedge, at such places as shall be specified in such permit, which permit shall specify the location of the trees or shrubbery to be planted and grown under such permit, and the distance from the border of the highway that the same shall be planted, and shall provide that the person receiving such permit will remove any and all fences built, at the expiration of the permit, without cost to the state, county or township: *Provided*, That nothing in this act shall be construed as in any wise affecting the title of the state, county or township, to the lands included in such highway, or the right to use the same for highway purposes, when necessary.

Title to lands used not affected.

Injury to plants, fences, etc., unlawful.

Officers may remove; when.

Penalty.

Statute repealed.

SEC. 4. It shall be unlawful for any person to injure or destroy any shade or ornaments [ornamental] trees, or shrubbery or hedge in or along the boundary of any public highway in this state planted and grown under the provisions of this act, or of any law in this state; and it shall be unlawful for any person other than the person constructing the same under the provisions of this act to injure, destroy or remove any fence erected on any public highway under the provisions of this act: *Provided*, That nothing in this section shall be construed to prevent the officers of the state, county or township, charged with the duty of maintaining any such highway, from removing any trees or shrubbery planted or fences built under the provisions of this act when in their judgment they interfere with or are detrimental to, the use of such highway for public travel, or such removal is necessary for the improvement or maintenance of such highway. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

SEC. 5. That chapter 118, of the Laws of 1903, pages 221-222, (section 6437-6440 of Remington's

Compiled Statutes; section 5985-5988 of Pierce's Code) is hereby repealed.

Passed the Senate February 24, 1927.

Passed the House March 9, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 243.

[S. B. 250.]

IRRIGATION DISTRICT ASSESSMENTS.

AN ACT relating to irrigation district assessments and tax exemptions and amending Section 22 of the Laws of 1890, pages 683-684, as amended by Section 10 of Chapter 138 of the Laws of 1923.

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

SECTION 1. That section 22 of the Laws of 1890, pages 683-684, as amended by section 10 of chapter 138 of the Laws of 1923, (section 7440 of Remington's Compiled Statutes, 1923 Supplement; section 3218 of Pierce's Code) be amended to read as follows: Amendment.

Section 22. The board of directors shall in each year before said roll is delivered by the secretary to the respective county treasurers, levy an assessment sufficient to raise the ensuing annual interest on the outstanding bonds, and all payments due or to become due in the ensuing year to the United States or the State of Washington under any contract between the district and the United States or the State of Washington accompanying which bonds of the district have not been deposited with the United States or the State of Washington as in this act provided. Beginning in the year preceding the maturity of the first series of the bonds of any issue, the board must from year to year increase said assessment for the ensuing years in an amount sufficient to pay and Annual levy.