

THE
REVISED STATUTES AND CODES
OF THE
State of Washington.

COMPILED, ANNOTATED AND PUBLISHED WITH CITATIONS
ON STATUTORY CONSTRUCTION,

BY

E. D. McLAUGHLIN, C. E. REMSBERG

AND

JOHN D. ATKINSON,

OF THE

Seattle Bar,

AT

SEATTLE, WASHINGTON.

1896.

of any person to recover damages for its past existence. C. 1881, 1240; 1 H. 2887.

3905.—NOT LEGALIZED BY TIME. No lapse of time can legalize a public nuisance, amounting to an actual obstruction of public right. C. 1881, 1241; 1 H. 2888.

3906.—ACTIONS AGAINST. The remedies against a public nuisance are: Indictment, a civil action, or abatement. The remedy by indictment shall be as regulated and prescribed in this chapter. When a civil action for damage is resorted to, the practice shall conform to chapter 50 of the civil practice act, under title "nuisance" [4878-4881]. C. 1881, 1242; 1 H. 2889.

3907.—RIGHT OF PRIVATE PERSON. A private person may maintain a civil action for a public nuisance, if it is specially injurious to himself but not otherwise. C. 1881, 1243; 1 H. 2890.

3908.—OFFICERS MAY ABATE. A public nuisance may be abated by any public body or officer authorized thereto by law. C. 1881, 1244; 1 H. 2891.

Moore v. Walla Walla, 2 W. T. 184, 2 P. 187.

3909.—ANY PERSON MAY ABATE PUBLIC. Any person may abate a public nuisance which is specially injurious to him by removing, or if necessary destroying the thing which constitutes the same without committing a breach of the peace, or doing unnecessary injury. C. 1881, 1245; 1 H. 2892.

Johnson v. Maxwell, 2 W. 482, 27 P. 1071.

3910.—CERTAIN DEFINED. It is a public nuisance—

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.

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.

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

4. To obstruct or encroach upon public high-ways, private ways, streets, alleys, commons, landing places, and ways to burying places.

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.

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.

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.

And every person who has the care, government, management or control of any building, structure, powder magazine, or any other place mentioned in this act, shall, for the purposes of this act, 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 the erecting, contriving, causing, continuing or maintaining such nuisance. 1895, 19, 1.

3911.—SAME. Houses of ill fame, kept for the purpose, in which are embraced all squaw dance houses, or squaw brothels, otherwise called mad houses, all houses, rooms, saloons, booths, scows, boats, or other structures used as a place of resort, where women are employed to draw custom, dance, or for purposes of prostitution; all public houses or places of resort where gambling is carried on or permitted; all houses or places within any city, town, or village, or upon any public road, or highway where drunkenness, gambling fighting or breaches of the peace are carried on, or permitted; all opium dens