

manufactured or kept are common nuisances,<sup>355</sup> and may even subject an innocent owner to the forfeiture of his property if he allows others to use it for the illegal production or transportation of alcohol.<sup>356</sup>

**Safety.**—Regulations designed to promote public safety are also well within a state's authority. For instance, various measures designed to reduce fire hazards have been upheld. These include municipal ordinances that prohibit the storage of gasoline within 300 feet of any dwelling,<sup>357</sup> require that all gas storage tanks with a capacity of more than ten gallons be buried at least three feet under ground,<sup>358</sup> or prohibit washing and ironing in public laundries and wash houses within defined territorial limits from 10 p.m. to 6 a.m.<sup>359</sup> A city's demolition and removal of wooden buildings erected in violation of regulations was also consistent with the Fourteenth Amendment.<sup>360</sup> Construction of property in full compliance with existing laws, however, does not confer upon the owner an immunity against exercise of the police power. Thus, a 1944 amendment to a Multiple Dwelling Law, requiring installation of automatic sprinklers in lodging houses of non-fireproof construction, can be applied to a lodging house constructed in 1940, even though compliance entails an expenditure of \$7,500 on a property worth only \$25,000.<sup>361</sup>

States exercise extensive regulation over transportation safety. Although state highways are used primarily for private purposes, they are public property, and the use of a highway for financial gain may be prohibited by the legislature or conditioned as it sees fit.<sup>362</sup> Consequently, a state may reasonably provide that intrastate carriers who have furnished adequate, responsible, and continuous service over a given route from a specified date in the past shall be entitled to licenses as a matter of right, but that issuance to those whose service began later shall depend upon public convenience and necessity.<sup>363</sup> A state may require private contract carriers for hire to obtain a certificate of convenience and necessity, and decline to

91 (1890); *Purity Extract Co. v. Lynch*, 226 U.S. 192 (1912); *Clark Distilling Co. v. Western Md. Ry.*, 242 U.S. 311 (1917); *Seaboard Air Line Ry. v. North Carolina*, 245 U.S. 298 (1917). *See also* *Kidd v. Pearson*, 128 U.S. 1 (1888); *Barbour v. Georgia*, 249 U.S. 454 (1919).

<sup>355</sup> *Mugler v. Kansas*, 123 U.S. 623, 671 (1887).

<sup>356</sup> *Hawes v. Georgia*, 258 U.S. 1 (1922); *Van Oster v. Kansas*, 272 U.S. 465 (1926).

<sup>357</sup> *Pierce Oil Corp. v. Hope*, 248 U.S. 498 (1919).

<sup>358</sup> *Standard Oil Co. v. Marysville*, 279 U.S. 582 (1929).

<sup>359</sup> *Barbier v. Connolly*, 113 U.S. 27 (1885); *Soon Hing v. Crowley*, 113 U.S. 703 (1885).

<sup>360</sup> *Maguire v. Reardon*, 225 U.S. 271 (1921).

<sup>361</sup> *Queenside Hills Co. v. Saxl*, 328 U.S. 80 (1946).

<sup>362</sup> *Stephenson v. Binford*, 287 U.S. 251 (1932).

<sup>363</sup> *Stanley v. Public Utilities Comm'n*, 295 U.S. 76 (1935).