

**ORDINANCE #553**

**AN ORDINANCE OF THE TOWN OF YACOLT, WASHINGTON, REPEALING OBSOLETE ORDINANCES #31, #32, #33, #49, #67, #80, #89, #98, #109, #125, #130, #141, #181, #206, #225, #240, #241, #252, #270, #282, #314, #363, #372, #373, #374, #386, #392 AND #405, ALL PERTAINING TO THE TOWN OF YACOLT'S WATER DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

Whereas, the Town Council of the Town of Yacolt has deemed it advisable and necessary to codify the Town's Ordinances, and is therefore preparing to adopt a Yacolt Municipal Code;

Whereas, the Town of Yacolt has identified a number of Ordinances which are no longer valid due to court decisions or changes in circumstances, or which have been substantially repealed by the enactment of later ordinances, or which have been pre-empted by State law;

Whereas, in preparing Yacolt's Municipal Code, it is advisable and necessary to exclude those Ordinances which are not or should not any longer be considered effective; and,

Whereas, the Town Council of the Town of Yacolt is in regular session this 5<sup>th</sup> day of December, 2016, and all members of the Town Council have had notice of the time, place, and purpose of said meeting;

**NOW THEREFORE, be it Ordained by the Town Council of the Town of Yacolt, Washington:**

**Section 1 - Repealer:** The following Ordinances are hereby repealed:

- (A). **Ordinance #31:** Ordinance #31 of the Town of Yacolt, adopted May 1, 1911, entitled "An Ordinance to Regulate the Management of the Water Works of the Town of Yacolt, Specify the Price to be Charged, Designate the Collection of Water Rents and the Proper Committee of the Council to Handle the Business and Other Particulars Regarding the Government of the Water System of Yacolt, Washington" is hereby repealed.
- (B). **Ordinance #32:** Ordinance #32 of the Town of Yacolt, adopted May 1, 1911, entitled "An Ordinance to Prevent the Waste of Water by Household and Others in the Town of Yacolt" is hereby repealed.

///

- (C). **Ordinance #33:** Ordinance #33 of the Town of Yacolt, adopted May 1, 1911, entitled “An Ordinance Providing for the Punishment of Persons Injuring or Interfering With the Water Mains and Pipes, and the Connections Therewith, Belonging to the Town of Yacolt” is hereby repealed.
- (D). **Ordinance #49:** Ordinance #49 of the Town of Yacolt, adopted September 3, 1913, entitled “An Ordinance to Protect the Purity of the Water Supply of the Town of Yacolt, Washington; Defining Offenses Against Such Purity; and Providing a Penalty for the Violation Thereof” is hereby repealed.
- (E). **Ordinance #67:** Ordinance #67 of the Town of Yacolt, adopted July 19, 1920, entitled “An Ordinance Amending Section 30 of Ordinance No 31, entitled “An Ordinance to Regulate the Management of the Water Works of the Town of Yacolt, Specify the Price to be Charged, Designate the Collection of Water Rents and the Proper Committee of the Council to Handle the Business and Other Particulars Regarding the Government of the Water System of Yacolt” is hereby repealed.
- (F). **Ordinance #80:** Ordinance #80 of the Town of Yacolt, adopted April 18, 1932, entitled “An Ordinance Amending Section 30 of Ordinance No 31, entitled “An Ordinance Relating to the Regulation and Management of the Water Works of the Town of Yacolt, Washington Repealing Section 31 of Ordinance No 31, and Amending Section 30 of Ordinance No. 67 of Said Town of Yacolt, Washington” is hereby repealed.
- (G). **Ordinance #89:** Ordinance #89 of the Town of Yacolt, adopted May 3, 1937, entitled “An Ordinance Repealing Section 2 of Ordinance No. 80 and Amending Section 30 of Ordinance 67 Entitled : “An Ordinance to Regulate the Management of the Water Works of the Town of Yacolt, Specify the Price to be Charged, Designate the Collection of Water Rents and the Proper Committee of the Council to Handle the Business and Other Particulars Regarding the Government of the Water System of Yacolt” is hereby repealed.
- (H). **Ordinance #98:** Ordinance #98 of the Town of Yacolt, adopted February 3, 1947, entitled “An Ordinance Amending Section 2 (Two) of Ordinance No. 89 Entitled "An Ordinance Repealing Section 2 (Two) of Ordinance No. 86 and Amending Section 30 of Ordinance 67 Entitled; ‘An Ordinance to Regulate the Management of the Water Works of the Town of Yacolt, Washington, Specify the Price to be Charged, Designate the Collection of Water Rents and the Proper Committee of the Council to Handle the Business and Other Particulars Regarding the Government of the Water System of Yacolt’” is hereby repealed.

- (I). **Ordinance #109:** Ordinance #109 of the Town of Yacolt, adopted May 1, 1950, entitled “An Ordinance to Repeal Ordinance No. 100 Entitled, ‘An Ordinance Amending Section 1 of Ordinance No. 98 Entitled ‘An Ordinance Repealing Section 2 of Ordinance No. 89 Entitled ‘An Ordinance Repealing Section 2 of Ordinance No. 80 and Amending Section 30 of Ordinance No. 67 Entitled, ‘An Ordinance to Regulate the Management of the Water Works of the Town of Yacolt, Washington, Specify the Price to be Charged, Designate the Collection of the Water Rents and the Proper Committee of the Council to Handle the Business and Other Particulars Regarding the Government of the Water System of Yacolt, Washington’” is hereby repealed.
- (J). **Ordinance #125:** Ordinance #125 of the Town of Yacolt, with an unknown adoption date that appears to have been between the dates of March 2, 1953, and January 4, 1954, entitled “An Ordinance Relating to the Municipal Water Supply System of the Town of Yacolt, Creating a Department for the Town of Yacolt to be Known and Designated as the ‘Water Department’, Creating a Fund in the Treasury of the Town of Yacolt to be Known and Designated as the ‘Water Fund’, Creating the Office of Water Superintendent, Regulating Use of Water From the Municipal Water System of the Town of Yacolt, Providing for the Sale of Same, Fixing the Price Thereof and Providing a Method of Collecting Rates Therefor, Providing Penalties for Violations of This Ordinance, and Repealing Ordinance No. 109 and All Other Ordinances of the Town of Yacolt in Conflict With the Provisions of This Ordinance” is hereby repealed.
- (K). **Ordinance #130:** Ordinance #130 of the Town of Yacolt, with an unknown adoption date that appears to have been between the dates of April 15, 1956, and June 16, 1959, entitled “An Ordinance Amending Section 10 of Ordinance No. 125 Which Establishes the Various Water Rates for the Town of Yacolt” is hereby repealed.
- (L). **Ordinance #141:** Ordinance #141 of the Town of Yacolt, adopted July 3, 1961, entitled “An Ordinance Repealing Ordinance No. 135, Amending Section No. 10 and Section No. 15 of Ordinance No. 125, and Repealing Section 18 of Ordinance No. 125” is hereby repealed.
- (M). **Ordinance #181:** Ordinance #181 of the Town of Yacolt, adopted February 17, 1976 and or March 1, 1976, entitled “Rules and Regulations for the Operation of the Water Department of the Town of Yacolt” is hereby repealed.
- (N). **Ordinance #206:** Ordinance #206 of the Town of Yacolt, adopted May 6, 1980, entitled “An Ordinance Pertaining to the Raising of the Installation Fees

for Installing the Water Meters and Inspection of Valves Therefrom, from \$200.00 to \$350.00” is hereby repealed.

- (O). **Ordinance #225:** Ordinance #225 of the Town of Yacolt, adopted April 1, 1981, entitled “An Ordinance Amending Ordinance No. 181 Regarding the Payment of Water Bills Not Paid by Tenants Making it a Responsibility to Property Owners to Pay the Water Statement” is hereby repealed.
- (P). **Ordinance #240:** Ordinance #240 of the Town of Yacolt, adopted April 6, 1982, entitled “An Ordinance to Amend Certain Sections of Water Ordinance No. 181 and to Repeal Other Ordinances Relating to Water Rates and Collection” is hereby repealed.
- (Q). **Ordinance #241:** Ordinance #241 of the Town of Yacolt, adopted April 20, 1982, entitled “An Ordinance Establishing and Adopting the Water Rates for the Town of Yacolt, Washington and Repealing Ordinances No. 198-A and No. 214-B” is hereby repealed.
- (R). **Ordinance #252:** Ordinance #252 of the Town of Yacolt, adopted May 1, 1985, entitled “An Ordinance of the Town of Yacolt Amending Ordinance #181” is hereby repealed.
- (S). **Ordinance #270:** Ordinance #270 of the Town of Yacolt, adopted November 19, 1985, entitled “Amendment to Ordinance # 206” is hereby repealed.
- (T). **Ordinance #282:** Ordinance #282 of the Town of Yacolt, adopted October 21, 1986, entitled “An Ordinance Establishing and Adopting an Addition to Water Ordinance #181” is hereby repealed.
- (U). **Ordinance #314:** Ordinance #314 of the Town of Yacolt, adopted June 6, 1989, entitled “An Ordinance Rclating to Water System Revenues and Charges, Amending Section I of Ordinance #206, Section I of Ordinance #223, Section I-F of Ordinance #241, and Section 5.2.2 of Ordinance #252” is hereby repealed.
- (V). **Ordinance #363:** Ordinance #363 of the Town of Yacolt, adopted December 4, 1995, entitled “An Ordinance Establishing and Adopting Revised Water Rates, Meter and Service Fee Charge, Regulate Fee for Activating Inactive Meters, and New Surcharge Rate for Out of Town Limit Customer, Deleting Ordinances #198-A, #266 #337, and Section 11 of #314” is hereby repealed.
- (W). **Ordinance #372:** Ordinance #372 of the Town of Yacolt, adopted February 18, entitled “An Ordinance Relating to the Water System Charges, Repealing Ordinance 213, Amending Section 1 of Ordinance 314, and Amending Section 11.6, 11.7.1 -- 11.7.6, and 13.2 of Ordinance 181” is hereby repealed.

- (X). **Ordinance #373:** Ordinance #373 of the Town of Yacolt, adopted April 21, 1997, entitled “Addendum #1 to Ordinance #181 Pertaining to Operation of the Town of Yacolt Water System” is hereby repealed.
- (Y). **Ordinance #374:** Ordinance #374 of the Town of Yacolt, adopted March 16, 1998, entitled “An Amendment to Section 13.3.2 of Ordinance #181 Town of Yacolt Water Ordinance” is hereby repealed.
- (Z). **Ordinance #386:** Ordinance #386 of the Town of Yacolt, adopted November 1, 1999, entitled “An Ordinance Establishing and Adopting Revised Water Rates, Deleting Section 1 of Ordinance #363” is hereby repealed.
- (AA). **Ordinance #392:** Ordinance #392 of the Town of Yacolt, adopted January 18, 2000, entitled “An Ordinance Establishing and Adopting Revised Consumer Deposit Rates, Amending Section 3 of Ordinance #314” is hereby repealed.
- (BB). **Ordinance #405:** Ordinance #405 of the Town of Yacolt, adopted December 4, 2000, entitled “An Ordinance of the Town of Yacolt, Washington, Re-Adopting Ordinance #386 Revising the Water Rates” is hereby repealed.

**Section 2 - Effect of Repeal:** The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

**Section 3 – Severability:** If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, or its application to any Person or circumstances is held invalid, the remaining portion of this Ordinance shall remain in full force and effect, and the application of the provision to other Persons or circumstances shall not be affected.

**Section 4 - Effective Date:** This Ordinance shall take effect immediately upon adoption and publication of the following summary, according to law.

**Town of Yacolt - Summary of Ordinance #553**

The Town Council of the Town of Yacolt adopted Ordinance #553 at its regularly scheduled Town Council meeting held on December 5, 2016. The content of the Ordinance is summarized in its title as follows:

AN ORDINANCE OF THE TOWN OF YACOLT, WASHINGTON,  
 REPEALING OBSOLETE ORDINANCES #31, #32, #33, #49, #67, #80, #89,  
 #98, #109, #125, #130, #141, #181, #206, #225, #240, #241, #252, #270, #282,  
 #314, #363, #372, #373, #374, #386, #392 AND #405, ALL PERTAINING TO

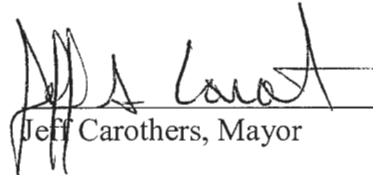
THE TOWN OF YACOLT'S WATER DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE. The effective date of the Ordinance is December 14, 2016.

A copy of the full text of the Ordinance will be mailed upon request to the undersigned at the Town of Yacolt Town Hall, P.O. Box 160, Yacolt, WA 98675: (360) 686-3922.

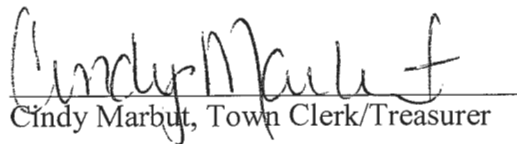
Published this 14<sup>th</sup> day of December, 2014.  
Cindy Marbut, Town Clerk/Treasurer

**PASSED** by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 5<sup>th</sup> day of December, 2016.

TOWN OF YACOLT

  
\_\_\_\_\_  
Jeff Carothers, Mayor

Attest:

  
Cindy Marbut, Town Clerk/Treasurer

Approved as to Form:

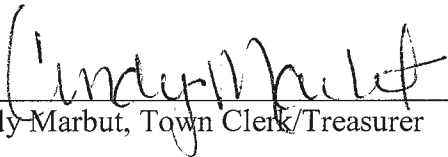
\_\_\_\_\_  
David W. Ridenour, Town Attorney

Ayes: Hancock, Myers, Tester, Lisk and Wallace /  
Nays: 0  
Absent: 0  
Abstain: 0

**TOWN CLERK'S CERTIFICATION**

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #553 of the Town of Yacolt, Washington, entitled "AN ORDINANCE OF THE TOWN OF YACOLT, WASHINGTON, REPEALING OBSOLETE ORDINANCES #31, #32, #33, #49, #67, #80, #89, #98, #109, #125, #130, #141, #181, #206, #225, #240, #241, #252, #270, #282, #314, #363, #372, #373, #374, #386, #392 AND #405, ALL PERTAINING TO THE TOWN OF YACOLT'S WATER DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE", as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:

  
\_\_\_\_\_  
Cindy Marbut, Town Clerk/Treasurer

Published: \_\_\_\_\_ 12-14-16  
Effective Date: \_\_\_\_\_ 12-14-16  
Ordinance Number: \_\_\_\_\_ 553