

ORDINANCE # 562

**AN ORDINANCE OF THE TOWN OF YACOLT, WASHINGTON,
READOPTING AND GIVING RETROACTIVE EFFECT TO ORDINANCE #440
AND ORDINANCE #454 REGARDING THE PROTECTION OF RESOURCE
LANDS, CRITICAL AREAS, AND OTHER ENVIRONMENTAL REGULATIONS;
AND ESTABLISHING AN EFFECTIVE DATE**

Whereas, the Town of Yacolt, Washington, (hereafter “Town” or “Yacolt”), did on April 17, 2006, adopt Ordinance #440, entitled “An Ordinance Relating to the Protection of Public Health, Safety, and Welfare by Protecting Resource Lands and Critical Areas”;

Whereas, the Town did on July 16, 2007, adopt Ordinance #454, entitled “An Ordinance Amending Section 440.30.010 of Ordinance #440” dealing with flood hazard areas;

Whereas, the Town is required by the Washington State Growth Management Act to provide continuous regulation of critical lands and environmental issues with respect to development activities within the Town’s boundaries;

Whereas, the Town Council’s intent and desire is to maintain continuous regulation of critical lands and environmental issues as required by Washington’s Growth Management Act and related statutes;

Whereas, Ordinance #440 and #454 were inadvertently repealed by the Town Council when the it adopted various international building codes in Ordinance #527, #528, #529, #530, #531, #532, and #533;

Whereas, the repeal of the Town’s environmental regulations described in Ordinance #440 and Ordinance #454 was never intended by the Council;

Whereas, the Town of Yacolt desires to readopt Ordinance #440 and #454, and to confirm that each Ordinance is and was at all times intended by the Town of Yacolt to be treated as effective and enforceable from and including the date of each such Ordinance’s original adoption through the date of this Ordinance, except as later amended;

Whereas, the Town Council has determined that this Ordinance is essential to protect and promote the public health, safety and general welfare;

Whereas, the Town has satisfied the public notice and public hearing requirements of the Washington State Growth Management Act prior to adoption of this Ordinance;

Whereas, the Town has satisfied the requirement for review of this Ordinance by the State Department of Commerce and other agencies as set forth in the Washington State Growth Management Act prior to adoption of this Ordinance; and,

Whereas, the Town Council of the Town of Yacolt is in regular session this 17th day of April, 2017, 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 – Re-Adoption of Ordinance #440: The Town of Yacolt, Washington does hereby re-adopt and affirm Ordinance #440, entitled “An Ordinance Relating to the Protection of Public Health, Safety, and Welfare by Protecting Resource Lands and Critical Areas” which was originally adopted on April 17, 2006. Said Ordinance #440 is hereby ratified and confirmed in all respects, except in so far as such Ordinance may have been later amended. This Section shall further be given retroactive effect, and Ordinance #440 shall be deemed to have been effective from and after April 17, 2006 without repeal or interruption. All prior actions of the Town in furtherance of the Town’s business and interests relative to Ordinance #440 from its original adoption on April 17, 2006, through the date of this Ordinance are hereby ratified, confirmed and approved.

Section 2 – Re-Adoption of Ordinance #454: The Town of Yacolt, Washington does hereby re-adopt and affirm Ordinance #454, entitled “An Ordinance Amending Section 440.30.010 of Ordinance #440”, dealing with flood hazard areas, which was originally adopted on July 16, 2007. Said Ordinance #454 is hereby ratified and confirmed in all respects, except in so far as such Ordinance may have been later amended. This Section shall further be given retroactive effect, and Ordinance #454 shall be deemed to have been effective from and after July 16, 2007 without repeal or interruption. All prior actions of the Town in furtherance of the Town’s business and interests relative to Ordinance #454 from its original adoption on July 16, 2007, through the date of this Ordinance are hereby ratified, confirmed and approved.

Section 3 - Yacolt Municipal Code: Appropriate provisions of Ordinance #440 and #454 shall become and be made a part of the Yacolt Municipal Code upon the codification of the Town's Ordinances.

Section 4 - Conflicting Ordinances and Parts of Ordinances Repealed: All previous Ordinances or parts of Ordinances in conflict with Sections 1 and 2 of this Ordinance are hereby repealed.

Section 5 – 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 6 - 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 #562

The Town Council of the Town of Yacolt adopted Ordinance #562 at its regularly scheduled Town Council meeting held on April 17, 2017. The content of the Ordinance is summarized in its title as follows:

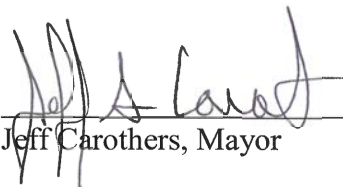
AN ORDINANCE OF THE TOWN OF YACOLT, WASHINGTON, READOPTING AND GIVING RETROACTIVE EFFECT TO ORDINANCE #440 AND ORDINANCE #454 REGARDING THE PROTECTION OF RESOURCE LANDS, CRITICAL AREAS, AND OTHER ENVIRONMENTAL REGULATIONS; AND ESTABLISHING AN EFFECTIVE DATE. The effective date of the Ordinance is April 26, 2017

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 26th day of April.
Cindy Marbut, Town Clerk

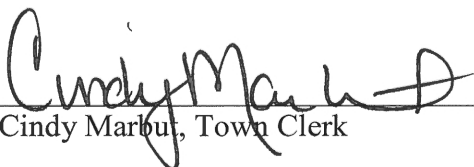
PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 17th day of April, 2017.

TOWN OF YACOLT



Jeff Carothers, Mayor

Attest:



Cindy Marbut, Town Clerk

Approved as to Form:

David W. Ridenour, Town Attorney

Ayes: Lister, Hancock, Tester, Myers + Wallway
Nays: 0
Absent: 0
Abstain: 0

TOWN CLERK'S CERTIFICATE

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #562 of the Town of Yacolt, Washington, entitled "AN ORDINANCE OF THE TOWN OF YACOLT, WASHINGTON, READOPTING AND GIVING RETROACTIVE EFFECT TO ORDINANCE #440 AND ORDINANCE #454 REGARDING THE PROTECTION OF RESOURCE LANDS, CRITICAL AREAS, AND OTHER ENVIRONMENTAL REGULATIONS; AND ESTABLISHING 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
Cindy Marbut, Town Clerk

Published: 4-26-17
Effective Date: 4-26-17
Ordinance Number: 562