

ORDINANCE #565

AN ORDINANCE REVISING, CODIFYING AND COMPILING THE GENERAL ORDINANCES OF THE TOWN OF YACOLT, WASHINGTON

Whereas, the Town of Yacolt, (hereafter "Town" or "Yacolt"), is authorized by RCW 35.21.500-570, (inclusive), to codify its general Ordinances under appropriate titles, parts, chapters and sections;

Whereas, the Town Council of Yacolt has deemed it advisable and necessary to codify the Town's general Ordinances so that the content of those Ordinances may be readily available to the Town and to the public;

Whereas, the Town directed Code Publishing Company of Seattle, Washington, to revise, codify and compile the Town's general Ordinances for the purpose of adopting a municipal code;

Whereas, a code of general Ordinances entitled "Town of Yacolt Municipal Code" has been prepared by Code Publishing Company of Seattle for adoption by the Town Council;

Whereas, the Town did on August 8, 2017, file an electronic and printed copy of the codification in the office of the Town Clerk;

Whereas, at the public Town Council meeting held on August 7, 2017, the Town Clerk gave a first reading of the Title of this adopting Ordinance and of the Title of the code proposed for adoption at the regular Town Council meeting on September 5, 2017;

Whereas, the Town Council scheduled a public hearing on the subject of the proposed code to be held during its regular Council meeting on September 5, 2017;

Whereas, in compliance with RCW 35.21.530, the Town Council directed the Town Clerk to publish notice of said public hearing once in the Town's official newspaper, not more than fifteen nor less than ten days prior to the public hearing, indicating that the Town's general Ordinances have been compiled for codification, and that a copy of such compilation or codification is on file in the Town Clerk's office for inspection;

Whereas, the Town has satisfied the public hearing and notice requirements of RCW 35.21.530 prior to adoption of this Ordinance; and,

Whereas, the Town Council of Yacolt is in regular session this 5th day of September, 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 – Adoption of Municipal Code: Pursuant to the provisions of RCW 35.21.500-570, (inclusive), there is hereby adopted the “Town of Yacolt Municipal Code” as revised, reformatted, indexed, codified, compiled, edited, and published by Code Publishing Company, Seattle, Washington.

Section 2 - Title, Citation, and Reference: The above-mentioned Code shall be known as the “Town of Yacolt Municipal Code”. It shall be sufficient to refer to said Code as the Yacolt Municipal Code in any prosecution for the violations of any provision thereof or in any proceeding at law or in equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part thereof as an addition to, amendment to, correction or repeal of the Yacolt Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Code and such references shall apply to those numbered titles, chapters, sections or subsections as they appear in the Code.

Section 3 - Purpose of Code: The provisions of the Yacolt Municipal Code and all proceedings under it are to be construed with a view to affect its objects and to promote substantial justice.

Section 4 - Proof of Ordinances: As provided for by RCW 35.21.550, copies of such Code in published form shall be received as the Ordinances of permanent and general effect of the Town of Yacolt without further proof in all Courts and administrative tribunals of the State of Washington.

Section 5 - Codification Authority: The Town’s Mayor or other designee shall have the following specific authority as to editing, rearranging, and/or grouping of ordinances:

- a). Editing ordinances to the extent deemed necessary or desirable for the purpose of modernizing and clarifying the language of such ordinances, but without changing the substance or meaning of any such ordinance;
- b). Substituting for the term “this ordinance,” where necessary, the term “section,” “part,” “code,” “chapter,” “title,” or reference to specific section or chapter numbers, as the case may require;
- c). Correcting manifest errors in reference to other ordinances, laws and statutes, and manifest spelling, clerical or typographical errors, additions, or omissions;
- d). Dividing long sections into two or more sections and rearranging the order of sections to ensure a logical arrangement of subject matter;
- e). Changing the wording of section captions, if any, and providing captions to new chapters and sections; and,
- f). Striking provisions manifestly obsolete and eliminating conflicts and inconsistencies so as to give effect to the legislative intent.

Section 6 - Authority of the Mayor to Make Minor Editorial Corrections to Amendments, Updates, and Revisions: The purpose of this Section is to grant non-substantive editorial authority to format future ordinances, amendments, and revisions to the Code so that textual changes are uniform to the provisions of the Code.

- a). The Mayor and/or the Mayor's designee may provide for a uniform style and form of the Yacolt Municipal Code by making minor changes, corrections or revisions to any ordinances submitted for inclusion in the Code which do not affect their sense, meaning, effect or substance.
- b). Such changes, corrections or revisions include renumbering, re-lettering, capitalizing, punctuation, dividing provisions of the Code, providing new headings and catchlines, and correcting omissions or captions.
- c). The Mayor and/or the Mayor's designee may substitute a current title of an agency, bureau, committee, commission or department head to conform to changes to titles or duties enacted by law or ordinance.
- d). The Mayor and/or the Mayor's designee may substitute references to a title, chapter, or section of the Yacolt Municipal Code to conform to changes enacted by ordinance.
- e). The Mayor and/or the Mayor's designee may also make minor editorial changes consistent with those outlined in this section.

Section 7 - Title, Chapter, and Section Headings or Catchlines: Title, chapter, and section headings or catchlines contained in the Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of the Code.

Section 8 - Reference Applies to All Amendments: Whenever a reference is made to the Code as the Yacolt Municipal Code or to any portion thereof, or to any Ordinance of the Town, the reference shall apply to all amendments, corrections and additions heretofore, now, or hereafter made.

Section 9 - Citations to Ordinances: Reference to the Yacolt Municipal Code in documents and matters of record prior to the effective date of this Ordinance shall be construed to apply to the corresponding provisions of the Code adopted in this Ordinance.

Section 10 - Ordinances Passed Prior to Adoption of Code: The last general Ordinance included in the initial Code is Ordinance #564, passed June 19, 2017.

Section 11 - Effect of Code on Past Actions and Obligations: Neither the adoption of the Code nor the repeal or amendment of any Ordinance or part or portion of any Ordinance shall affect the prosecution for Ordinance violations that were committed prior to the effective date

of the adoption of the Code. The adoption of the Code shall not be construed as a waiver of any license, fee, penalty, debt, forfeiture or obligation due and unpaid to the Town on the date the Code takes effect. All rights, fines, entitlements, duties, and proceedings existing pursuant to any Ordinance on the date of the adoption of the Code shall remain in effect unless specifically repealed in this Ordinance providing for adoption of the Code. No bonds or cash required to be posted, filed or deposited pursuant to any Ordinance shall in any way be made invalid by the adoption of the Code.

Section 12 - Certain Ordinances Not Repealed or Affected by Adoption of Code: The provisions of the Code, so far as they are in substance the same as those Ordinances existing at the time of the effective date of the Code, shall be considered as continuing and superseding those Ordinances and not as new enactments. Nothing in the Code or this Ordinance adopting the Code shall be construed to repeal or otherwise affect the validity of any of the following:

- a). The administrative Ordinances or Resolutions of the Town not in conflict or inconsistent with the provisions of the Code;
- b). The special Ordinances or Resolutions of the Town, including Ordinances or Resolutions that are special in nature or for a specific period of time, (e.g., budget, annexation, street vacation), that have not been or are not in the future included in the Code;
- c). Any Ordinance levying or imposing taxes not included in the Code;
- d). Any Ordinance or Resolution of agreement with another political subdivision; and,
- e). Any other Ordinance or Resolution, or part thereof, which is not of a general and permanent nature; or which is referred to elsewhere in this Code as continuing in effect.

Section 13 - Amendments to Code; Effect of New Ordinances; Amendatory Language:

- a). All ordinances passed subsequent to this initial adoption of the Code which amend, repeal or in any way affect the Code may be numbered in accordance with the numbering system of the Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, the repealed portion may be excluded from the Code by omission from reprinted pages.
- b). Amendments to any of the provisions of the Code may be made by amending the provisions by specific reference to the section of the Code in substantially the following language:

“Section _____ of the Town of Yacolt Municipal Code is hereby amended to read as follows: . . . (*Set out new provisions in full*).”

- c). When the Town Council desires to enact an ordinance of a general and permanent

nature on a subject not heretofore existing in the Code, which the Town Council desires to incorporate into the Code, a section in substantially the following language may be made a part of the ordinance:

“Section _____. It is the intention of the Town Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Town of Yacolt Municipal Code, and the sections of the Code and this Ordinance may be renumbered to accomplish that intention.”

- d). All sections, articles, chapters or provisions of the Code desired to be repealed may be specifically repealed by section or chapter number, as the case may be.
- e). Where necessary to avoid a conflict with existing provisions of the Code, amending ordinances may be renumbered by the official codifier for the Town to carry out the intent of the Town Council, provided that no such numbering change shall be made without prior approval of the Town.

Section 14 - 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 15 - Inconsistent Ordinances: All general Ordinances of the Town that are inconsistent with the Code are hereby superseded, rather than repealed, and in the event any portion of the Code is for any reason found or held to be invalid, the superseded Ordinance shall be revitalized and shall prevail.

Section 16 - Severability: If any section, subsection, sentence, clause or phrase of this Ordinance or of the Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance or the Code. The Town Council declares that it would have passed the Code, at each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases have been declared invalid or unconstitutional, and if for any reason the Code should be declared invalid or unconstitutional, then the original Ordinance or Ordinances shall be in full force and effect.

Section 17 - Effective Date: This Ordinance shall take effect immediately upon adoption. The Town Clerk is directed to publish the following summary in the Town's official newspaper:

Town of Yacolt - Summary of Ordinance #565

The Town Council of the Town of Yacolt adopted Ordinance #565 at its regularly scheduled Town Council meeting held on September 5, 2017. The content of the Ordinance is summarized in its title as follows: “AN ORDINANCE REVISING, CODIFYING AND COMPILING THE GENERAL ORDINANCES OF THE TOWN OF YACOLT, WASHINGTON”. The effective date of the Ordinance is September 5, 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 13th day of September, 2017.
Cindy Marbut, Town Clerk

PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 5th day of September, 2017.

TOWN OF YACOLT


Vince Myers, Mayor

Attest:


Cindy Marbut, Town Clerk

Ayes:

Nays:

Absent:

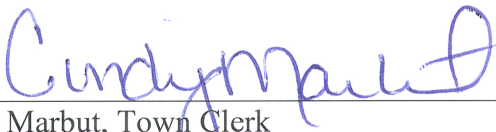
Abstain:

Listek, Bryant, Hancock + Buttolph
Rowe
Ø

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #565 of the Town of Yacolt, Washington, entitled "AN ORDINANCE REVISING, CODIFYING AND COMPILING THE GENERAL ORDINANCES OF THE TOWN OF YACOLT, WASHINGTON", 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

Published: September 13, 2017
Effective Date: September 5, 2017
Ordinance Number: 565