

Resolution #593

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, DECLARING A NUISANCE AT 105 & 103 W. YACOLT ROAD, (FORMER HOME OF THE TALLMAN SALOON) AND AUTHORIZING THE MAYOR TO ENFORCE CORRECTION OF THE NUISANCE CONDITION.

Whereas, the Town of Yacolt's Zoning Code, YMC 18, describes the uses and structures that are allowed on real property inside the boundaries of the Town;

Whereas, pursuant to YMC 18.105.010, the Town Council has decision-making authority over the existence of a Zoning Code violation;

Whereas, Yacolt's Nuisance Code, YMC 8.05, describes the general procedures by which the Town may enforce its Zoning Code and Nuisance Code;

Whereas, the Town's staff is aware that the commercially-zoned property at 105 and 103 W. Yacolt Road has been and continues to be used for residential purposes in violation of the Town's Zoning Code;

Whereas, the Town has provided one or more notices of the Code violation(s) to the property owners requesting that they voluntarily correct the described violations, but the violations have not been corrected;

Whereas, the Town Council of the Town of Yacolt is in regular session this 18th day of February, 2020, and all members of the Town Council have had notice of the time, place, and purpose of said meeting:

NOW THEREFORE, be it Resolved by the Town Council of the Town of Yacolt, Washington, as follows:

Section 1 – Recitals: Each and every recital set forth above is adopted as a legislative finding of the Town Council for purposes of this Resolution and the authorizations described herein.

Section 2 – Declaration of Nuisance Condition: In addition to the legislative findings described above, the Town Council hereby finds that the property located at 105 and 103 W. Yacolt Road belonging to Scott Phillips and Glenda Phillips, (together with any other owners, residents and occupants), be and is hereby declared a nuisance under YMC 18.105.010 and YMC 18.30 for the following reason(s):

Use of property in a C1 or C2 Commercial Zoning District for residential purposes in violation of the Town of Yacolt's Zoning Code, such use constituting an illegal nonconforming use under the Town's Zoning Code.


Section 3 – Issuance of Notice of Civil Violation: The Mayor is authorized and directed to issue to the owners and occupants of the property a Notice of Civil Violation imposing monetary penalties pursuant to the YMC. The Notice shall state a deadline for compliance that is 7 days following issuance of the Notice. The Mayor is further authorized to use her discretion with respect to other matters covered under the Notice of Civil Violation, and to enforce the Notice of Civil Violation through abatement of the nuisance if necessary, taking such actions as are deemed necessary and appropriate to collect any penalties, costs and attorney's fees incurred by the Town related to correction and abatement of the nuisance. The Mayor and Town staff are further directed to keep the Town Council apprised of developments in the case.

Section 4 – Severability: If any section, subsection, paragraph, sentence, clause, or phrase of this Resolution is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining portion of this Resolution shall remain in full force and effect.

Section 5 – Effective Date: This Resolution shall take effect immediately upon adoption.


RESOLVED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 18th day of February, 2020.

TOWN OF YACOLT



Katie Listek, Mayor

Attest:



Dawn Salisbury, Town Clerk

Approved as to Form:



David W. Ridenour, Town Attorney

Ayes: Boget, Dawson, Moseley, Noble, Uiray
Nays: _____
Absent: _____
Abstain: _____

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of Resolution #593 of the Town of Yacolt, Washington, entitled "A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, DECLARING A NUISANCE AT 105 & 103 W. YACOLT ROAD, (FORMER HOME OF THE TALLMAN SALOON) AND AUTHORIZING THE MAYOR TO ENFORCE CORRECTION OF THE NUISANCE CONDITION" as approved according to law by the Town Council on the date therein mentioned.

The Resolution has / has not been published.

Attest:



Dawn Salisbury, Town Clerk

Published: _____

Effective Date: February 18, 2020

Resolution Number: 593