

need to be repealed ord. # 321

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

ORDINANCE NO. 192

AN ORDINANCE relating to junk keeping and nuisances; defining the term junk; notice to remove; exclusions; and providing for penalties for violations thereof.

WHEREAS, the Town Council of Yacolt, Washington, are in regular session this 1 day of MAY, 1978; and,

WHEREAS, RCW 35.27.410 provides that every act or thing done or being within the limits of a town, which is declared by law or by ordinance to be a nuisance shall be a nuisance and shall be so considered in all actions and proceedings and also provides for the remedies for the prevention and abatement thereof; and,

WHEREAS, all members of the Town Council of Yacolt, Washington, have had full notice of the time, place, and purpose of said meeting of said Council;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Yacolt, Washington, as follows:

SECTION 1. NUISANCE. It is hereby made unlawful for any person to keep or store or to permit any other person to keep or store any junk on any privately owned property within the town, or to keep or to store any junk in a building that is not wholly enclosed, except for doors for ingress and egress, and any person violating this ordinance shall be guilty of maintaining a nuisance.

SECTION 2. JUNK DEFINED. For the purpose of this ordinance, "junk" is hereby defined to include all abandoned motor vehicles and all motor vehicles incapable of being operated, all old appliances or parts thereof, all old iron or other metal, glass, paper, cardboard, old lumber, old wood, old mattresses and all other waste or discarded material.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

SECTION 3. NOTICE TO REMOVE. Before any person is charged with a violation of this ordinance, he or she shall have been advised by certified or registered letter from the town that a complaint is contemplated and by such letter shall have been given not less than twenty (20) days to cause a removal of such junk. Copies of such letters shall be kept and filed in court along with any complaint filed hereunder.

SECTION 4. EXCLUSIONS. This ordinance shall not apply to any appliance dealer who in a proper zone has screened his old appliances from general view and from access by children or trespassers, nor to material stored on premises of any manufacturing enterprise for use in connection with such enterprise so long as such enterprise is conducted in accordance with zoning and other ordinances.

SECTION 5. PROCEDURE FOR ABATEMENT. On the signed complaint of three (3) separate householders made to the Clerks Office or other department having charge of the enforcement of this chapter, the department having charge of the enforcement of this chapter shall investigate the complaint, and if found justified shall issue a written notice of the results of such investigation to the person causing or permitting the continuance of such acts causing junk, notifying him or her immediately to abate the same. If the person so notified neglects to abate the same forthwith, a formal complaint charging a violation of this chapter shall be filed with the courts.

SECTION 6. PENALTY FOR VIOLATIONS. Any person found guilty of violating this ordinance shall be fined not to exceed three hundred dollars and/or sentence to not exceed thirty days in the county jail; and, in addition, the court may order such

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

nuisance abated by cause and removal of such junk either by the Defendant or other person or by the use of city employees.

SECTION 7. COST. Whenever junk as herein defined shall exist, the Town of Yacolt may proceed by suit in court to abate and enjoin the same in the manner provided by law, and if the court shall abate the same, the cost incident to the expenses of such abatement shall be assessed against the Defendant and be made a part of the judgment.

SECTION 8. SEVERABILITY. If any provision of this ordinance, or its application to any person or circumstances held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected thereby.

SECTION 9. EFFECTIVE DATE. This ordinance is necessary for the immediate preservation of the public peace, health and safety, the support of town government and its existing public institutions, and shall take effect on ~~April~~^{May} the 1, 1978.

ADOPTED this 1 day of May, 1978.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Passed by the following vote:

AYES: (Councilmembers)

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

NAYS: (Councilmembers)

ABSENT: (Councilmembers)

[Handwritten signature]

SIGNED this 1 day of May, 1978.

[Handwritten signature]
Mayor

Attest:

[Handwritten signature]
Pat Krebsler, Town Clerk

Approved as to form:

[Handwritten signature]
MICHAEL J. WYNNE, Town Attorney

ORDINANCE

Page Four

WILSON, NICHOLS, WYNNE & MARSHA
Attorneys At Law
406 West 12th Street
Post Office Box 61467
Vancouver, Washington 98666
Phone 696-0791

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Mayor and the Council of the Town of Yacolt will hold a public hearing on the 3rd day of April, 1978, at 7:00 p.m. in the City Hall, Yacolt, Washington, at which time the Council will consider the adoption of, and may adopt, the following ordinance together with any minor changes or amendments which may be developed at the hearing.

WILSON, NICHOLS, WYNNE & MARSHALL
Attorneys At Law
406 West 12th Street
Post Office Box 61467
Vancouver, Washington 98666
Phone 696-0791