

AN ORDINANCE RELATING TO THE DEFINITION OF NUISANCES: DECLARATION OF NUISANCES: PROCEDURES FOR ABATEMENT: AND PENALTIES FOR VIOLATIONS.

WHEREAS: the Town Council of Yacolt, Washington, are in regular session this 1 day of March 1988, and:

WHEREAS: RCW 35.27.410 provides that every act or thing done or being done within the limits of a Town, which is declared by Law or Ordinance to be a nuisance shall be a nuisance and shall be so considered in all actions and proceedings; and

WHEREAS: RCW 35.27.410 also provides that all remedies given by Law for the prevention and abatement of nuisances shall apply thereto; and

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

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

SECTION 1 NUISANCE DEFINED: A nuisance consists in doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist which act or omission, condition or thing either:

- (a) Annoys, injures or endangers the comfort, repose, health, or safety of others;
- (b) Offends decency;
- (c) Is offensive to the senses;
- (d) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passengers any stream, public park, parkway, square, street or highway in the Town of Yacolt;
- (e) In any way renders other persons insecure in life or the use of property;
- (f) Obstructs the free use of property so as to essentially interfere with the reasonable and comfortable use thereof.

SECTION 11 NUISANCES DECLARED The following specific acts, omissions, places, conditions and things are declared to be nuisances, but said enumeration shall not be deemed to be exclusive, namely:

- (a) The keeping or harboring of any dog or dogs which by frequent or habitual howling, yelping or barking annoy or disturb the comfort or repose of any person or persons in the vicinity;
- (b) The keeping of rabbits, chickens, goats, pigs, bees, mules, horses, mink, dogs, muskrats or any other animals within the Town limits of the Town of Yacolt, that are of such a nature as to create offensive smells, noises and conditions in the vicinity in which they are kept;
- (c) Piles of rubbish, debris, garbage, tin cans and filth upon any public or private property within the limits of the Town of Yacolt;
- (d) Unnecessary tooting of automobile horns, unnecessary loud playing radios in automobiles, or radios, phonographs and televisions in other places so as to obstruct the reasonable and comfortable use of adjoining property within the limits of the Town of Yacolt;
- (e) The low-hanging branches from trees over sidewalks, the protrusion of shrubs, bushes and weeds from adjoining lots and parking strips, out over and onto the sidewalks so as to impede the ordinary and natural use of the same within the limits of the Town of Yacolt.

SECTION 111 PROCEDURE FOR ABATEMENT: The administrative officer shall have the authority and duty to enforce this Ordinance. The Town Council shall appoint two assistants to assist the administrative officer. If the administrative officer shall find that any of the provisions of this Ordinance are being violated, he or she shall notify in writing the person responsible for such violation, and order the necessary action to correct the necessary action to correct such violation

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Said administrative officer shall be authorized to order discontinuance of illegal use of land, buildings and/or structures or shall take any action authorized by this Ordinance or the laws of the State of Washington to insure Compliance with or to prevent violation there of, of it's provisions.

SECTION IV PENALTIES FOR VIOLATIONS: Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding three hundred dollars or by imprisonment for not more than thirty days , or by both such fine and imprisonment.

SECTION V COSTS: Whenever a nuisance 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 such nuisance, the cost incident to the expenses of such abatement shall be assessed against the defendant and be a part of the judgment.

SECTION VI. REPEALER: Ordinance number 153 adopted on the 5th day of February, 1968, and Ordinance number 190 adopted on the 3rd day of April, 1978, is hereby repealed.

SECTION VII 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 1 day of MARCH 1988.

SECTION VIII 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 effected thereby.

This Ordinance is hereby adopted by the Town Council of Yacolt, Washington on this 1 day of March, 1988.

AYES Councilmembers: Jolma, Norton, Messer, Alexander

NAYES None

ABSENT Councilman Grooms

MAYOR Jim Worthington ATTEST Irene Christiansen

I hereby certify that this is a true and correct copy of Ordinance #301 as read before the Council and passed on the date herein metioned and passed according to Law.

Irene Christiansen
Irene Christiansen
Clerk/Treasurer