

SEE ORD #365

ORDINANCE NO. 321

AN ORDINANCE relating to vegetation, litter and junk and repealing Town Ordinance Nos. 300 and 304 in their entirety and all ordinances or parts of ordinances in conflict herewith and providing for the destruction or removal of vegetation, litter and junk which are fire hazards, or menaces to the public health, safety or welfare; providing for a Order of Abatement to the property owner; prescribing a procedure for abatement action; authorizing work to be done by the Town; and providing for a lien upon the property and enforcement thereof.

WHEREAS, the Town Council of the Town of Yacolt finds that the prevalence of litter and junk and certain vegetation within the Town limits of the Town of Yacolt is environmentally injurious, aesthetically displeasing and overall detrimental to the public health, safety and welfare.

WHEREAS, the Town Council finds that the Yacolt Town Ordinances Nos. 300 and 304 contain inadequate provisions for enforcing those Ordinances and abating the acts and conditions proscribed thereunder.

WHEREAS, the Town Council finds that passage of this Ordinance is a lawful exercise of the Town's police powers and is in the best interests of the citizens of the Town of Yacolt, and in furtherance of the public health, safety and welfare.

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

Section 1. Definition. For the purpose of this Ordinance, certain words used herein are defined as follows:

(A) "Vegetation" shall include all grass, weeds, plants, shrubs, bushes, trees, or other vegetation growing, or which has grown and died, or parts thereof, which constitute a fire hazard or which menace public health, safety, or welfare, or which overhang any sidewalk or street or obstruct or impair the free and full use of any sidewalk or street by the public.

(B) "Litter and junk" shall include debris in the form of cans, bottles, glass, ashes, garbage, waste paper, packing

material, wire, old or scrap copper, brass, rope, batteries, paper, rubber debris, broken stone or cement, broken crockery, discarded building material, rags, boxes, crates, packing cases, mattresses, bedding, tree and vegetation trimmings, dismantled, disabled, abandoned or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous materials and all other trash or waste, including abandoned inflammable materials, which are a fire hazard or a menace to the public health, safety, or welfare.

(C) Town Official means the Director of Public Works or Fire Chief or their authorized representatives.

Section 2. Abatement Action. Upon determination that any real property within the Town is the site of vegetation, litter or junk in violation of this Ordinance, the Town official shall take the following action:

a) The Town official shall issue an Order of Abatement to the property owner, directing the destruction or removal of the vegetation, litter or junk within twenty (20) days of the date of issuance of the Order of Abatement. Such Order of Abatement shall be dated and identify the real property on which the vegetation, litter or junk is situated by street address and by legal description and shall describe the conditions thereon which violate this Ordinance. The Order of Abatement shall be personally served upon the property owner or shall be mailed by certified mail to the address of the property owner as shown by the records of the County Assessor and posted on the real property where the vegetation, litter or junk is found.

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b) Upon failure of the property owner to comply with the Order of Abatement, the Town official shall present for Town Council consideration a Resolution which instructs the property owner to remove or destroy the vegetation, litter or junk within twenty (20) days following adoption of the Resolution. Such Resolution shall contain the street address and legal description of the real property on which the vegetation, junk or litter is found, shall describe the violation thereon, and shall notify the property owner that failure to comply with the abatement directions therein shall result in abatement action by the Town, with the costs thereof to become a charge against said property owner and a lien upon the real property. The owner of the property shall be given not less than five (5) days written notice of presentation of the proposed Resolution to the Town Council, and shall be given an opportunity to speak at the Town Council meeting regarding the Resolution.

c) Upon passage of the Resolution, the Town Council shall promptly give notice in writing thereof to the property owner.

Section 3. Notice to Property Owner. Notice to the property owner required herein at Subsections 2(b) and (c) shall be given by personal service upon the property owner, provided that personal service shall not be required where the property owner is not a resident of or cannot be found in the Town of Yacolt. In all cases where personal service of the notice is not made upon a property owner, then notice shall be given by publication for one day in a local newspaper, and by certified mail at the property owner's address as shown in the records of the County Assessor, and by posting a copy of the Resolution upon the real property.

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Section 4. Town may remove/destroy vegetation, litter and junk. If, after the expiration of twenty (20) days from the adoption of the Resolution referred to above, the vegetation, litter or junk has not been removed or destroyed in accordance with the direction in the Resolution, the Town official shall remove or destroy the vegetation, litter or junk and the cost of removal or destruction, along with the Town's reasonable costs of enforcement under this Ordinance, shall become a charge against the owner of the real property and a lien against said real property, in accordance with the provision of Section 35.21.310 RCW. The lien shall be in a similar form, and shall be filed, enforced and foreclosed in the same time and manner as provided by law for liens for labor and material.

Section 5. Severability. The provisions of this Ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this Ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

Section 6. Repealer. Yacolt Town Ordinance Nos. 300 and 304 in their entirety and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Effective Date. This Ordinance shall take effect immediately upon passage and publication according to law.

PASSED by the Town Council of the Town of Yacolt, Washington
this 3 day of April, 1990.

Paul Grooms
PAUL GROOMS, Mayor

Irene Christiansen
IRENE CHRISTIANSEN
Town Clerk/Treasurer

Approved as to form:

MARK B. HANSEN, Town Attorney

I hereby certify that this is a true and correct copy of
Ordinance #321 as read before the Council and passed on
the date herein mentioned and passed according to law.

Irene Christiansen
Clerk/Treasurer