

ORDINANCE #543

AN ORDINANCE REPEALING OBSOLETE ORDINANCES #4, #5, #6, #25, #26, #29, #34, #41, #44, #50, #58, #63, #76.5, #81, #152, AND #157.

Whereas, the Town Council of the Town of Yacolt has deemed it advisable and necessary to codify the Town's Ordinances, and is therefore preparing to adopt a Yacolt Municipal Code;

Whereas, the Town of Yacolt has identified a number of Ordinances which are no longer valid or useful due to court decisions or changes in circumstances, or which have been substantially repealed by the enactment of later ordinances, or which have been pre-empted by State law;

Whereas, in preparing Yacolt's Municipal Code, it is advisable and necessary to exclude those Ordinances which are not or should not any longer be considered effective; and,

Whereas, the Town Council of the Town of Yacolt is in regular session this 5th day of July, 2016, 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Section 1 - Repealer: The following Ordinances are hereby repealed:

- (A). **Ordinance #4:** Ordinance #4 of the Town of Yacolt, adopted August 11, 1908, entitled "An Ordinance Relating to the Presenting and Auditing of Claims Against the Town of Yacolt" is hereby repealed.
- (B). **Ordinance #5:** Ordinance #5 of the Town of Yacolt, adopted August 29, 1908, entitled "To Regulate and License the Sale and Disposal of Spirituous, Fermented and All Other Intoxicating Liquors Within the Corporate Limits of the Town of Yacolt, and to Prohibit Such Sale Without License and Provide a Penalty Therefor" is hereby repealed.
- (C). **Ordinance #6:** Ordinance #6 of the Town of Yacolt, adopted November 12, 1908, entitled "An Ordinance to Establish the Width of Sidewalks in the Town of Yacolt, Washington" is hereby repealed.
- (D). **Ordinance #25:** Ordinance #25 of the Town of Yacolt, adopted November 9, 1910, entitled "An Ordinance To Prevent the Stopping of Railroad Cars Upon Street Crossings in the Town of Yacolt, Washington, and Providing a Penalty for the Violation Thereof" is hereby repealed.

- (E). **Ordinance #26:** Ordinance #26 of the Town of Yacolt, adopted November 9, 1910, entitled “An Ordinance Establishing Width of Sidewalks Upon Jones Street in the Town of Yacolt, Clark County, Washington, and Providing a Penalty for the Violation Thereof” is hereby repealed.
- (F). **Ordinance #29:** Ordinance #29 of the Town of Yacolt, adopted February 20, 1911, entitled “An Ordinance in Relation to Licenses; Shooting Galleries to be Licensed for the Operation Thereof” is hereby repealed.
- (G). **Ordinance #34:** Ordinance #34 of the Town of Yacolt, adopted June 19, 1911, entitled “An Ordinance Providing for the Improvement of Streets by Grading and Paving and Construction of Sidewalks Therein and Thereon, in the Town of Yacolt, and the Manner in Which Special Assessment Therefor may be Made and Collected on Property Specially Benefitted Thereby, and the Modes of Collecting and Paying for the Same” is hereby repealed.
- (H). **Ordinance #41:** Ordinance #41 of the Town of Yacolt, adopted July 7, 1912, entitled “An Ordinance of the Town of Yacolt, Washington Prohibiting the Riding or Driving of Animals, Bicycles, Motorcycles or Other Motor Vehicles Upon any of the Board or Hard Surfaced Sidewalks or Upon any of the Board or Hard Surfaced Sidewalks to be Hereafter Constructed Within the Incorporated Limits of the Town of Yacolt” is hereby repealed.
- (I). **Ordinance #44:** Ordinance #44 of the Town of Yacolt, adopted December 16, 1912, entitled “An Ordinance of the Town of Yacolt, Washington, Prohibiting the Jumping on or off or Otherwise Interfering with or Molesting or Riding Upon, Except as Herein Excepted, any Engine, Passenger Car, Log Train, or Other Railway Vehicle Used by Any Railroad Company in the Town of Yacolt, Washington Within the Town Limits of the town of Yacolt, Wash, and Providing a Penalty for the Violation of This Ordinance” is hereby repealed.
- (J). **Ordinance #50:** Ordinance #50 of the Town of Yacolt, adopted January 5, 1914, entitled “An Ordinance Regulating the Operation of Railroad Trains, Locomotives and Cars Within the Corporate Limits of the Town of Yacolt and Providing a Penalty for the Violation Thereof” is hereby repealed.
- (K). **Ordinance #58:** Ordinance #58 of the Town of Yacolt, adopted February 23, 1915, entitled “An Ordinance Amending Section 4 of Ordinance No. 5 Entitled “To Regulate and License the Sale and Disposal of Spirituous, Fermented and All Other Intoxicating Liquors Within the Corporate Limits of the Town of Yacolt, and to Prohibit Such Sale Without License and Provide a Penalty Therefor” is hereby repealed.
- (L). **Ordinance #63:** Ordinance #63 of the Town of Yacolt, adopted May 1, 1916, entitled “An Ordinance Providing for the Keeping in Good Repair of all

Sidewalks Along the Public Streets, Lanes, Squares, Alleys and Places in the Town of Yacolt, Washington, Providing for the Securing of a Regular Permit From the Town Council Before Constructing a Private Approach to Property Over Any Sidewalk, and Providing for a Penalty for the Violation of This Ordinance” is hereby repealed.

- (M). **Repeal of Ordinance #76.5:** Ordinance #76.5 of the Town of Yacolt, adopted June 15, 1931, entitled “An Ordinance Providing for the Licensing of Dances, Dance Halls and Other Amusements Operated in Connection Therewith, Requiring Permits and Establishing Fees Therefor, and Providing a Penalty for the Violation Thereof” is hereby repealed. [Note: The Town Clerk’s Book of Ordinances suggests that two adopted Ordinances were inadvertently given the Ordinance Number “76”, and that the second such Ordinance was later altered and designated “Ordinance #76.5” to distinguish it from the first Ordinance #76, which was adopted in 1929 and is unrelated to the subject-matter of Ordinance #76.5 being repealed above.]
- (N). **Ordinance #81:** Ordinance #81 of the Town of Yacolt, adopted April 18, 1932, entitled “An Ordinance Relating to the Regulation and Licensing of Dances, Dance Halls and Other Amusements Operated in Connection Therewith, and Amending Section 2 of Ordinance No. 76 of the Town of Yacolt, Washington” is hereby repealed. [Note: The Town Clerk’s Book of Ordinances suggests that two adopted Ordinances were inadvertently given the Ordinance Number “76”, and that the second such Ordinance was later altered and designated “Ordinance #76.5” to distinguish it from the first Ordinance #76, which was adopted in 1929 and is unrelated to the subject-matter of Ordinance #76.5. The language in Ordinance #81 purporting to amend Section 2 of Ordinance #76 instead applies to Section 2 of Ordinance #76.5.]
- (O). **Ordinance #152:** Ordinance #152 of the Town of Yacolt, adopted August 21, 1967, entitled “An Ordinance Amending Section 9 of Ordinance No. 5, which Regulates Liquor Sales, Licensing and Closure Hours for Taverns Within the Corporated Limits of the Town of Yacolt” is hereby repealed.
- (P). **Ordinance #157:** Ordinance #157 of the Town of Yacolt, adopted February 17, 1969, entitled “An Ordinance of the Town of Yacolt Providing for Implied Consent to Intoxication Tests for Drivers of Motor Vehicles, Revocation of Drivers License, Presumptions, Persons Under Influence of Intoxicating Liquor, Chemical Tests, and Information Concerning Tests and Adopting by Reference RCW 46.20.308 (1), (2), and (3) and RCW 46.61.506, Providing Penalties and Repealing Ordinances or Parts Thereof” is hereby repealed.

Section 2 – Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, or its application to any Person or circumstances is held invalid, the

remaining portion of this Ordinance shall remain in full force and effect, and the application of the provision to other Persons or circumstances shall not be affected.

Section 3 - 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 4 - Effective Date. This Ordinance shall take effect immediately upon adoption and publication of the following summary, according to law.

Town of Yacolt - Summary of Ordinance #543

The Town Council of the Town of Yacolt adopted Ordinance #543 at its regularly scheduled Town Council meeting held on July 5, 2016. The content of the Ordinance is summarized in its title as follows:

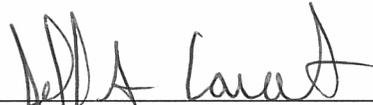
AN ORDINANCE REPEALING OBSOLETE ORDINANCES #4, #5, #6, #25, #26, #29, #34, #41, #44, #50, #58, #63, #76.5, #81, #152, AND #157. The effective date of the Ordinance is July 13, 2016.

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 July, 2016.
Cindy Marbut, Town Clerk/Treasurer

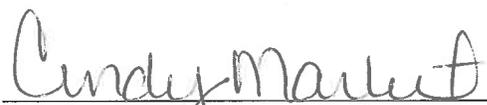
PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 5th day of July, 2016.

TOWN OF YACOLT



Jeff Carothers, Mayor

Attest:



Cindy Marbut, Town Clerk/Treasurer

Approved as to Form:



David W. Ridenour, Town Attorney

Ayes: Hancock, Myers, Tester, Wallway + Listek
Nays: 0
Absent: 0
Abstain: 0

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #543 of the Town of Yacolt, Washington, entitled "An Ordinance Repealing Obsolete Ordinances #4, #5, #6, #25, #26, #29, #34, #41, #44, #50, #58, #63, #76.5, #81, #152, AND #157", 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
Cindy Marbut, Town Clerk/Treasurer

Published: 7-13-16
Effective Date: 7-13-16
Ordinance Number: 543