



Town of Yacolt

Council Meeting Agenda

Monday, March 02, 2020
7:00 PM
Town Hall

Call to Order

Flag Salute

Roll Call

Late Changes to the Agenda

Minutes of Previous Meeting(s)

- [1.](#) Approve 2-18-2020 Meeting Minutes

Citizen Communication

Anyone requesting to speak to the Council regarding items not on the agenda may come forward at this time. Comments are limited to 3 minutes. Thank you.

Unfinished Business

- [2.](#) Cemetery District 4/5 Headstone Policies
- [3.](#) Resolution #593 Civil Violation Notice 103 & 105 W Yacolt Rd
4. Draft Ethics Policy Review - update
- [5.](#) Spring Clean Up – discuss fees

New Business

- [6.](#) Discharge of firearms in town - discussion only
- [7.](#) Rental fees for community room - discussion only

Public Works Department Report

Town Clerk's Report

Council's Comments

Mayor's Comments

Attorney's Comments

Approve to Pay Bills on Behalf of the Town

Executive Session

8. Executive Session

Adjourn

**Town of Yacolt
Council Meeting Minutes
Tuesday, February 18, 2020
7:00 PM
Town Hall**

Call to Order

Mayor Listek called meeting to order at 7:00 pm.

Flag Salute

Roll Call

PRESENT

Mayor Katie Listek
Council Member Amy Boget
Council Member Michelle Dawson
Council Member Malita Moseley
Council Member Herb Noble
Council Member Marina Viray
Clerk Dawn Salisbury
Public Works Director Tom Esteb
Attorney David Ridenour

Late Changes to the Agenda

None

Minutes of Previous Meeting(s)

1. Approve 2-3-2020 meeting minutes

Motion made by Council Member Noble, Seconded by Council Member Boget.

Voting Yea: Council Member Boget, Council Member Dawson, Council Member Noble, Council Member Viray

Voting Abstaining: Council Member Moseley

Citizen Communication

Richard Chandler requested a pedestrian man gate be added to the new ball field fence so it may be accessed for walking. Concern for vandalism was brought up. Mr. Chandler stated cameras can be installed to cover that concern.

Melissa Yahn with Impact Automotive requested permission to close the streets August 1, 2020 for their car show. There is expected to be around 180 cars or more. The street closures will be the same as last year. NCMS will be holding their annual health and safety fair the same day.

Unfinished Business

2. Setback Variance Follow up

Public Works Director Esteb visited property. Property lines appear to be correct. As the customer does not know the exact location of the drain field, they will need to get clarification from Clark County Health Dept on stipulations for the placement of the shed near or on the drain field. Currently the applicant does not meet the requirements for a variance.

3. Cemetery Ord #517 Section 9.1 update

Attorney Ridenour stated we will be revising Yacolt code 2.50. Public works concern is maintenance of cemetery with additional headstones. Mayor Listek would like to allow flat footstone in addition to the one headstone. Other cemetery districts in the area allow more than 1 headstone. Getting policies from other cemetery districts to review. Council Member Moseley would like families to be able to have more than one headstone if it didn't create a maintenance hardship. A flat footstone would be easier to maintain than a headstone but there would still be additional maintenance time for edging. Council Member Dawson agreed with Council Member Moseley. Council Member Noble asked how we would annex the cemetery into the town since we own the property. Clerk Salisbury to investigate to see what the advantage, disadvantage of annexing the cemetery would be. Clerk Salisbury noted that there is no physical address to the cemetery. She will look into getting one assigned. Will discuss at next meeting.

4. Draft Ethics Policy Review Changes

Clerk Salisbury and Council Member Viray have presented changes to the policy and asked for the councils input on proposed changes. Clerk Salisbury offered to share document via one drive so council members may edit or make changes. Will have updated policy at next meeting for review and possible adoption. Electronic Device Policy will also be reviewed and updated.

5. Spring Clean Up Information

Mayor Listek working on price to charge for spring clean-up. Public Works Director Tom Esteb has not received prices for dump boxes yet. Waste Connections will charge for dump boxes but possibly would provide transportation for free. Stated getting trucks and drivers from Waste Connections did not look promising. Mayor Listek asked for councils input for what town should charge. Council Member Boget asked if we knew what the charge per ton would be. Public Works Director Esteb stated that Waste Connections did not have an answer on pricing yet. Public Works Maintenance Assistant Terry Gardner stated last clean-up we had 3 trucks here with 1 truck on standby. Council Member Boget asked if we had an itemized bill from Waste Connections. Clerk Salisbury to research bill and get information to Mayor and Public Works Director. Scrap metal was discussed and stated prices are low, so no one is taking scrap metal at this time. Council Member Noble stated that we needed to get ID from residents to prevent taking garbage from out of our area. Mayor Listek stated that residents outside of town limits should be included. Concern from a citizen about letting out of town residents

being allowed to dump when they don't pay taxes in the town. Council Member Boget stated that there could be repercussions if we do not charge enough with utilizing town funds for residents outside of town limits. Mayor Listek stated prices will be set to cover costs. Many people that volunteer in our community should be able to pay for this convenience and we can charge more for people living out of town. We want our surrounding areas to be clean as well. Concern over taking household trash was brought up. Mayor Listek stated we can prevent that. Public Works Director Esteb to inquire if we could utilize Clark County offender crews to pick up trash along the county roads leading into town.

6. Pickle Ball

Mayor Listek to have Pickle Ball lines painted on the tennis courts as the height of the net is the same. Pickle Ball lines will be a different color. Lines should be added by spring.

New Business

7. Resolution #592 Street Sweeper Purchase

Attorney Ridenour provided background on procurement process for resolution. Resolution is required for this purchase. Public Works Director Esteb stated due diligence was done on researching this purchase and negotiated a fair price of \$24,000 and the company selling will pay 1/2 of the transportation costs to Yacolt from Arizona. Public Works Director has flown to Arizona and inspected the sweeper.

Motion to approve Resolution #592

Motion made by Council Member Noble, Seconded by Council Member Dawson.

Voting Yea: Council Member Boget, Council Member Dawson, Council Member Moseley, Council Member Noble, Council Member Viray

8. Resolution #593 Civil Violation Notice 103 & 105 W Yacolt Rd

Attorney Ridenour explained zoning code violation procedure and presented 2 options to council for civil violation notice for 103 & 105 W Yacolt Rd. The options were Civil Violation Notice with monetary penalties or Civil Violation Notice with Request for Voluntary Correction. Attorney Ridenour explained both options. Discussion took place.

Motion to approve Resolution #593 Civil Violation with monetary penalties and giving 7 days' notice to occupant.

Motion made by Council Member Boget, Seconded by Council Member Viray.

Voting Yea: Council Member Boget, Council Member Dawson, Council Member Moseley, Council Member Noble, Council Member Viray

9. Approve Ordinance #580 Amending the 2020 Budget

Appropriations to the 2020 budget are unchanged. General Fund appropriation will be decreased by \$27,000, and street fund will be increased by same amount.

Motion made by Council Member Noble, Seconded by Council Member Boget.

Voting Yea: Council Member Boget, Council Member Dawson, Council Member Moseley, Council Member Noble, Council Member Viray

10. Approve Mayor to sign Animal Control Agreement

Council Member Noble questioned what the license covers. Council Member Dawson has not seen animal control in town since she moved here 8 months ago.

Motion to approve Mayor to sign Animal Control Agreement made by Council Member Boget, Seconded by Council Member Moseley.

Voting Yea: Council Member Boget, Council Member Moseley, Council Member Viray

Voting Nay: Council Member Dawson, Council Member Noble

Public Works Department Report

Library awning complete. Ball Park fence is complete. Global Security to come out and look at security cameras and what we can do to improve cameras and coverage. Council member Moseley mentioned the loiterers late at night at Town Park. Council Member Dawson brought up the possibility of creating a neighborhood watch. Council Member Boget mentioned that studies show more lighting deters crime. Suggestion made that we could add more street lighting around effected areas. Mayor Listek along with public works decided on locations for 2 new picnic tables at the Recreation Park. They will be installed soon. Larch inmate crews have cleaned all of the sidewalks on the west side of town. East side of town to be completed next.

Town Clerk's Report

Town clerk provided documentation from Paid Family Medical Leave that shows premiums must be paid on council members. CDBG for sidewalk project is ongoing and the Public Works Director and Town Engineer are working with Century Link to get pedestal moved and Verizon to get new vault lid. Assistant clerk has started working on the records room re organization utilizing our records grant. Records room has new access door. Process has been started to migrate our business licenses over to State of Washington Business License Services. The go live date is June 11th. Early renewal discount will no longer be available as Business License Services does not have that option available. Justin Earls with NCEMS asked if town would like to be involved in this year's Health and Safety Fair. Council members mail will be available in the mail slots in clerk's office. Insurance for the fireworks show cannot be obtained without a licensed Pyrotechnic even though the town only uses consumer grade fireworks. Clerk Salisbury found a Washington General Display license and has sent that off to underwriting to see if they would accept that. If they don't, our only option is to go with a company like Western Display which would cost the town between \$7,000 and \$9,000 and they could only do it on July 3rd. Joshua Beck and Luke Ross are working on obtaining their pyrotechnic licenses. They hope to have them before the 4th of July.

Council's Comments

Council Member Noble would like the no parking signs on Amboy Avenue to have better clarification. Public Works Director will get new signs with arrows. He also asked about the Trading Post liquor license for the new owner. The town does not handle liquor licenses and the clerk has not received any information for the Trading Post from the Liquor Control Board. CTRAN meeting went well and Council Member Noble thanked them for the wrapped bus and bringing it to town for viewing. CTRAN is had a Town of Yacolt flag made for display at their offices. Mayor Listek is looking into having town flags made for citizens to purchase. Ron Onslow, our CTRAN representative, would like to come to a future meeting to introduce himself and get any questions we may have.

Council Member Viray thanked Mayor Listek for setting up the Valentine Craft Day. It was a huge success. Also thanked Council Member Dawson for providing the rocks and resident Lucy Robinson for picking up trash.

Mayor's Comments

Rock painting was a success. Thanked Desiree Lorentz the for the coloring sheet design. Next craft day will be March 19th and we will be needing pinecones for making bird feeders. Mayor Listek attended the Seniors dinner at Pomeroy Farms. Talked about the senior's transportation issues. They need volunteer drivers. Mayor Listek attended the Mayor's Exchange in Olympia. Liked the idea of Coffee with the Mayor. She would like to start that program. Another Mayor suggested beer with the Mayor. 2020 Census coming up is very important and we need to make sure we get everyone accounted for because it directly affects our budget for the coming years. We receive more based on our population.

Attorney's Comments

Attorney Ridenour gave update on property at 110 S Hubbard. Town is the only creditor with claim against property and residents have been given till 2-28-2020 to vacate. Reminded everyone that the book of ordinances and a lot of information about the state gun laws are available digitally by request. Town Clerks office also has this information available.

Approve to Pay Bills on Behalf of the Town

Motion made by Council Member Boget, Seconded by Council Member Viray.

Voting Yea: Council Member Boget, Council Member Dawson, Council Member Moseley, Council Member Noble, Council Member Viray

001 General Fund	62,272.50	
101 Streets	3,177.68	
103 Cemetery	268.36	
105 REET/Real Estate Excise Tax	30.91	
403 Storm Water	<u>1,858.40</u>	Check # 17075-17088

67,607.85

Claims: 59,296.12

Payroll: 8,311.73

Citizen Communication

Larry Blakemon would like a ribbon cutting ceremony for the Library awning. He would also like the town add the bills they are approving to pay to the agenda. Clerk Salisbury stated that information is in the meeting minutes. Mayor Listek stated it would be cost prohibitive because of the amount of paper it would take to list all the bills. We can print a copy to be placed on the table for everyone to see.

Adjourn

Mayor Listek adjourned meeting at 8:57 pm.

Katie Listek, Mayor

Dawn Salisbury, Clerk



Town of Yacolt

Request for Council Action

CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

Name:	Dawn Salisbury	Group Name:	Town Council
Address:	P.O. Box 160 Yacolt, WA 98675	Phone:	360-686-3922
Email Address:	clerk@townofyacolt.com	Alt. Phone:	---

ITEM INFORMATION:

Item Title:	Cemetery 4 and 5 policies
Proposed Meeting Date:	March 2, 2020
Action Requested of Council:	Review Cemetery 4 and 5 headstone policies
Proposed Motion:	None
Summary/ Background:	
Staff Contact(s):	Dawn Salisbury

Clark County Cemetery District 4 Administrative Policy

Purpose

To provide policy guidelines and operational rules for the administration of Clark County Cemetery District 4.

Scope

This policy applies to all persons utilizing Amboy, Chelatchie, and Mt. View Cemeteries within Clark County Cemetery District 4.

Definitions

Burial: The placement of human remains in a grave.

Burial Lot or Lot: A section of graves or plots in a cemetery used, or intended to be used, for burial.

Cemetery: Property dedicated for the disposition of human remains.

Cemetery District: A Special Purpose District that manages the approved cemeteries within the boundaries set forth by the county. RCW 68.52

Cemetery District Commissioners: A board of three (3) elected officials who manage the affairs of the Cemetery District. RCW 68.52.220.

Cremated Remains: A human body after cremation in a crematory.

Disinterment: The removal of buried human remains from a grave.

Endowment Care vs. Non-endowment Care Property: An endowment care cemetery provides a separate financial fund for the perpetual care of the cemetery. A non-endowment cemetery does not provide a separate financial fund for the perpetual care of the cemetery. Cemetery Districts are exempt from Endowment Care as defined by RCW 68.40.095.

Foundation: The concrete or stone slab set below the ground level to support and stabilize a memorial.

Funeral: A memorial service for a deceased person.

Grave or Plot: A space of ground in a cemetery used, or intended to be used, for burial.

Human Remains or Remains: The body of a deceased person, and includes the body in any stage of decomposition, except cremated remains as defined by RCW 68.04.020.

Interment: The disposition of human remains by cremation and inurnment or burial in a place used or intended to be used and dedicated for cemetery purposes.

Internment Rights: A title document by which grave(s)/plot(s) are conveyed to the purchaser when paid for, but the rights of the owner, successor or assign are subject to such rules and regulations as set forth by Clark County Cemetery District 4.

Liner or Vault: A concrete or composite material container which is buried in the ground to provide outer protection and into which human remains are placed in the burial process.

Memorial: Any grave marker, headstone, plaque, or monument that is intended to permanently mark a grave or plot.

Next of Kin: Relative most closely related i.e.: (a) spouse (b) children (c) parents (d) sisters and brothers (e) domestic partners.

Open and Close: The term used for referring to the opening of a gravesite and closing of a gravesite after remains are placed.

Urn Liner: A container whose purpose is to provide outer protection for the ground burial of cremated remains.

Temporary Marker: A grave marker intended to temporarily mark a grave or plot.

Clark County Cemetery District 4 Administrative Policy

Cemetery Administration and General Provisions

RCW 68.52.190 General Powers of Cemetery District:

Cemetery districts created under this chapter shall be deemed to be municipal corporations within the purview of the Constitution and laws of the state of Washington. They shall constitute bodies corporate and possess all the usual powers of corporations for public purposes. They shall have full authority to carry out the objects of their creation, and to that end are empowered to acquire, hold, lease, manage, occupy and sell real and personal property or any interest therein; to enter into and perform any and all necessary contracts; to appoint and employ necessary officers, agents and employees; to contract indebtedness, to borrow money, and to issue general obligation bonds in accordance with chapter 39.46 RCW; to levy and enforce the collection of taxes against the lands within the district, and to do any and all lawful acts to effectuate the purposes of this chapter.

Rules & Regulations:

These rules and regulations may be administratively amended at any time by the District, and so shall be changed and amended when any rule is found to be detrimental to the best interest of the plot owners as a whole or when new conditions require the adoption of other or further regulations.

Correction of Errors:

Clark County Cemetery District 4 reserves the right to remedy or correct any alleged defect, error, or complaint before any suit, libel, or cause of action, either at law or equity, can be filed against Clark County Cemetery District 4, its employees, or its agents.

Cemetery District Fees and Charges:

Approved Schedule of Fees and Charges will remain in effect until a new schedule is approved by the District Commissioners at an Open Public Meeting.

All fees and charges shall be paid in the form of cash or check. Fees and charges may be paid in full or made in payments utilizing the Payment Installment Agreement. All fees and charges must be paid in full prior to receiving goods, services or Internment Rights.

The District recognizes cases of financial hardship. The District shall follow the Donation Hardship Policy upon receiving contact from a funeral home, county or state agency. All determinations of financial hardship shall be considered in the light of the Washington State Constitution's prohibition on the gifting of public funds except in instances of assisting the poor and infirm.

Cemetery Hours:

The cemeteries are open from dawn to dusk, seven days a week. The cemetery office does not maintain regular business hours.

Cemetery Meetings:

Clark County Cemetery District 4 shall hold regular Open Public Meetings on the second Thursday of every month at the Amboy Fire Hall. Meetings shall be held at 1:00pm.

Discrimination:

Clark County Cemetery District shall not discriminate based on race, creed, color or religion.

Vandalism: Any act(s) of vandalism performed to any portion of Amboy, Chelatchie or Mt. View Cemetery shall result in the cemetery district prosecuting said vandal(s) to the full extent of the law pursuant to RCW 68.56.010. The cemetery district shall also seek full restitution for any unlawful act pursuant to RCW 68.56.020.

**Clark County Cemetery District 4
Administrative Policy**

Plot Sales and Ownership

All plots in the cemeteries are conveyed to the purchaser by Internment Rights when payment in full is made, but the rights of the owner are subject to such rules and regulations as set forth by the District.

Interest in cemetery plots shall be governed by RCW 68.32 as now and hereafter amended. The District shall endeavor to determine the legal next of kin, but the District shall not be held responsible for the failure to do so. The District shall not be responsible for activities authorized by persons falsely representing themselves as next of kin.

Legal heirs may maintain their interest in cemetery plots with the original owners name(s) on the Internment Rights. Legal heirs that wish to obtain Internment Rights reissued in their name are subject to applicable fees at the time of reissue.

When a cemetery plot is jointly owned, authorization for interment will be granted to either of the plot owners or their heirs as governed by RCW 68.32. An agreement may be made between common plot owners to the right of burial but the District shall not undertake to enforce such an agreement.

Transfers of plots can only be made by the owner or his/her legally designated representative. If the original owner of the plot(s) is deceased, executor or heir(s) must show proof of their authority to ownership i.e. Letters of Testamentary, Decree of Distribution, or a copy of a will.

Transfers are subject to any applicable fees at the time of transfer. Upon completion of the Plot Transfer Form and approval of the District Commissioners, Internment Rights shall be issued to the new owner.

The District may repurchase graves/plots from the current owner. Plots may be purchased for 75% of the current sale price.

The District shall approve Internment Rights issued due to sales or transfer at the regularly scheduled Open Public Meeting.

All Internment Rights issued as of May 1, 2012 shall be notarized.

Internment Services

Linens or Vaults:

All full body interments shall be in concrete liners or vaults designed and manufactured for this purpose.

Cremation burials are not required to be in a liner or vault.

Notice of Interment or Disinterment:

The District shall be notified at least 24 hours before any interment. The District requires one week notice for any disinterment.

The Cemetery District may allow a plot to be open for any purpose on proper authority by the legal owner of record or the legal next of kin.

Clark County Cemetery District 4 Administrative Policy

Interments:

Full body interments shall be performed by a funeral home or designated representative.

The Open and Close for a cremation interment may be performed by a funeral home/designated representative, a Cemetery District employee, or the family of the deceased with District supervision. Open and Close performed by a Cemetery District employee are subject to any applicable fees at the time of interment.

All interments will require the appropriate burial permit as required by the Health Department. The District will not be responsible in any manner for securing any permit.

The Cemetery District does allow for multiple interments per plot.

The Cemetery District only allows the interment of human remains or human cremated remains.

The Cemetery District does not allow the spreading of cremated remains above ground.

Disinterment:

For disinterment of remains (including cremated remains), the applicant must have authorization from the closest living relative. Provisions concerning permission to remove remains shall be governed by State law in RCW 68.50 as now or hereafter amended.

Markers / Memorials

All interments will require a temporary marker or permanent memorial.

Headstones at the base shall be 30" for a single, 36" for a double, 24" for a baby.
Headstones shall have a foundation of 3.5" to 6".

The Cemetery District does not bind itself to maintain, repair, or replace any markers or monumental structures erected upon the plot which are lost or damaged due to weather, age, vandalism, normal maintenance or other causes beyond its control. The District will endeavor to see that the headstone remains in good condition.

Maintenance and Landscape Regulations

The District will provide the maintenance of the cemetery including all plot sites. Maintenance of the plot sites includes seeding, leveling of sites, mowing and trimming around markers.

The Cemetery District reserves the right to remove any item of any sort, at any time the District deems these materials to be unsightly, dangerous, detrimental, diseased, or when they do not conform to the current standards maintained. Cemetery District 4 is not liable for items removed. Any items placed improperly or without the permission of the District shall be removed at the grave/plot owner's expense.

Clark County Cemetery District 4 Administrative Policy

The District bears no responsibility for any decorations placed on a grave. Anyone leaving such articles in the cemetery does so at his/her own risk.

Flowers and bouquets are allowed year round.

Fences, railings, posts, etc around graves is strictly prohibited.

Glass is strictly prohibited in the cemeteries, and will be removed immediately.

No rocks or stones may be used as ground cover for a burial lot.

Planting of trees, shrubs or other woody vegetation in the cemetery is strictly prohibited.

Only authorized personnel shall trim, prune, or remove any part of trees, shrubs, or other woody vegetation in the cemeteries.

Plot owners with trees, shrubs or other woody vegetation planted on their grave/plot prior to Clark County Cemetery District 4 regulations may remove or prune such vegetation. If the vegetation by means of its roots, branches, or otherwise becomes detrimental, dangerous, or objectionable to adjacent graves, walks, roads, or avenues, or if the District is unable to maintain the grounds, the District will have the right to enter upon the said grave/plot and remove such vegetation or any part(s) thereof as it may deem necessary.

Clark County Cemetery District 5 Administrative Policy

Purpose

To provide policy guidelines and operational rules for the administration of Clark County Cemetery District 5.

Scope

This policy applies to all persons utilizing Gardner Cemetery within Clark County Cemetery District 5.

Definitions

Burial: The placement of human remains in a grave.

Burial Lot or Lot: A section of graves or plots in a cemetery used, or intended to be used, for burial.

Cemetery: Property dedicated for the disposition of human remains.

Cemetery District: A Special Purpose District that manages the approved cemeteries within the boundaries set forth by the county. RCW 68.52

Cemetery District Commissioners: A board of three (3) elected officials who manage the affairs of the Cemetery District. RCW 68.52.220.

Cremated Remains: A human body after cremation in a crematory.

Disinterment: The removal of buried human remains from a grave.

Endowment Care vs. Non-endowment Care Property: An endowment care cemetery provides a separate financial fund for the perpetual care of the cemetery. A non-endowment cemetery does not provide a separate financial fund for the perpetual care of the cemetery. Cemetery Districts are exempt from Endowment Care as defined by RCW 68.40.095.

Foundation: The concrete or stone slab set below the ground level to support and stabilize a memorial.

Funeral: A memorial service for a deceased person.

Grave or Plot: A space of ground in a cemetery used, or intended to be used, for burial.

Human Remains or Remains: The body of a deceased person, and includes the body in any stage of decomposition, except cremated remains as defined by RCW 68.04.020.

Interment: The disposition of human remains by cremation and inurnment or burial in a place used or intended to be used and dedicated for cemetery purposes.

Internment Rights: A title document by which grave(s)/plot(s) are conveyed to the purchaser when paid for, but the rights of the owner, successor or assign are subject to such rules and regulations as set forth by Clark County Cemetery District 4.

Liner or Vault: A concrete or composite material container which is buried in the ground to provide outer protection and into which human remains are placed in the burial process.

Memorial: Any grave marker, headstone, plaque, or monument that is intended to permanently mark a grave or plot.

Next of Kin: Relative most closely related i.e.: (a) spouse (b) children (c) parents (d) sisters and brothers (e) domestic partners.

Open and Close: The term used for referring to the opening of a gravesite and closing of a gravesite after remains are placed.

Urn Liner: A container whose purpose is to provide outer protection for the ground burial of cremated remains.

Temporary Marker: A grave marker intended to temporarily mark a grave or plot.

Clark County Cemetery District 5 Administrative Policy

Cemetery Administration and General Provisions

RCW 68.52.190 General Powers of Cemetery District:

Cemetery districts created under this chapter shall be deemed to be municipal corporations within the purview of the Constitution and laws of the state of Washington. They shall constitute bodies corporate and possess all the usual powers of corporations for public purposes. They shall have full authority to carry out the objects of their creation, and to that end are empowered to acquire, hold, lease, manage, occupy and sell real and personal property or any interest therein; to enter into and perform any and all necessary contracts; to appoint and employ necessary officers, agents and employees; to contract indebtedness, to borrow money, and to issue general obligation bonds in accordance with chapter 39.46 RCW; to levy and enforce the collection of taxes against the lands within the district, and to do any and all lawful acts to effectuate the purposes of this chapter.

Rules & Regulations:

These rules and regulations may be administratively amended at any time by the District, and so shall be changed and amended when any rule is found to be detrimental to the best interest of the plot owners as a whole or when new conditions require the adoption of other or further regulations.

Correction of Errors:

Clark County Cemetery District 5 reserves the right to remedy or correct any alleged defect, error, or complaint before any suit, libel, or cause of action, either at law or equity, can be filed against Clark County Cemetery District 5, its employees, or its agents.

Cemetery District Fees and Charges:

Approved Schedule of Fees and Charges will remain in effect until a new schedule is approved by the District Commissioners at an Open Public Meeting.

All fees and charges shall be paid in the form of cash or check. All fees and charges must be paid in full prior to receiving goods, services or Internment Rights.

The District recognizes cases of financial hardship. The District shall follow the Donation Hardship Policy upon receiving contact from a funeral home, county or state agency. All determinations of financial hardship shall be considered in the light of the Washington State Constitution's prohibition on the gifting of public funds except in instances of assisting the poor and infirm.

Cemetery Hours:

The cemeteries are open from dawn to dusk, seven days a week. The cemetery office does not maintain regular business hours.

Cemetery Meetings:

Clark County Cemetery District 5 shall hold regular Open Public Meetings on the first Tuesday of every quarter at 6816 NE Etna Rd, Woodland, WA 98674. Meetings shall be held at 7:00pm.

Discrimination:

Clark County Cemetery District shall not discriminate based on race, creed, color or religion.

Vandalism: Any act(s) of vandalism performed to any portion of Gardner Cemetery shall result in the cemetery district prosecuting said vandal(s) to the full extent of the law pursuant to RCW 68.56.010. The cemetery district shall also seek full restitution for any unlawful act pursuant to RCW 68.56.020.

**Clark County Cemetery District 5
Administrative Policy**

Plot Sales and Ownership

All plots in the cemeteries are conveyed to the purchaser by Deed when payment in full is made, but the rights of the owner are subject to such rules and regulations as set forth by the District.

Interest in cemetery plots shall be governed by RCW 68.32 as now and hereafter amended. The District shall endeavor to determine the legal next of kin, but the District shall not be held responsible for the failure to do so. The District shall not be responsible for activities authorized by persons falsely representing themselves as next of kin.

Legal heirs may maintain their interest in cemetery plots with the original owners name(s) on the Deed. Legal heirs that wish to obtain Deed / Internment Rights reissued in their name are subject to applicable fees at the time of reissue.

When a cemetery plot is jointly owned, authorization for interment will be granted to either of the plot owners or their heirs as governed by RCW 68.32. An agreement may be made between common plot owners to the right of burial but the District shall not undertake to enforce such an agreement.

Transfers of plots can only be made by the owner or his/her legally designated representative. If the original owner of the plot(s) is deceased, executor or heir(s) must show proof of their authority to ownership i.e. Letters of Testamentary, Decree of Distribution, or a copy of a will.

Transfers are subject to any applicable fees at the time of transfer. Upon completion of the Plot Transfer Form and approval of the District Commissioners, Deed shall be issued to the new owner.

The District shall approve Deeds issued due to sales or transfer at the regularly scheduled Open Public Meeting.

All Deeds issued shall be notarized.

Internment Services

Linens or Vaults:

All full body interments shall be in concrete liners or vaults designed and manufactured for this purpose.

Cremation burials are not required to be in a liner or vault.

Notice of Interment or Disinterment:

The District shall be notified at least 24 hours before any interment. The District requires one week notice for any disinterment.

The Cemetery District may allow a plot to be open for any purpose on proper authority by the legal owner of record or the legal next of kin.

Interments:

Clark County Cemetery District 5 Administrative Policy

Full body interments shall be performed by a funeral home or designated representative or the family of the deceased with District supervision.

The Open and Close for a cremation interment may be performed by a funeral home/designated representative, a Cemetery District employee, or the family of the deceased with District supervision. Open and Close performed by a Cemetery District employee are subject to any applicable fees at the time of interment.

All interments will require the appropriate burial permit as required by the Health Department. The District will not be responsible in any manner for securing any permit.

The Cemetery District does allow for multiple interments per plot. One full body and one cremation.

The Cemetery District only allows the interment of human remains or human cremated remains.

The Cemetery District does not allow the spreading of cremated remains above ground.

Disinterment:

For disinterment of remains (including cremated remains), the applicant must have authorization from the closest living relative. Provisions concerning permission to remove remains shall be governed by State law in RCW 68.50 as now or hereafter amended.

Markers / Memorials

All interments will require a temporary marker or permanent memorial.

Headstones at the base shall be 30" for a single, 36" for a double, 24" for a baby.
Headstones shall have a foundation of 3.5" to 6".

The Cemetery District does not bind itself to maintain, repair, or replace any markers or monumental structures erected upon the plot which are lost or damaged due to weather, age, vandalism, normal maintenance or other causes beyond its control. The District will endeavor to see that the headstone remains in good condition.

Maintenance and Landscape Regulations

The District will provide the maintenance of the cemetery including all plot sites. Maintenance of the plot sites includes seeding, leveling of sites, mowing and trimming around markers.

The Cemetery District reserves the right to remove any item of any sort, at any time the District deems these materials to be unsightly, dangerous, detrimental, diseased, or when they do not conform to the current standards maintained. Cemetery District 5 is not liable for items removed. Any items placed improperly or without the permission of the District shall be removed at the grave/plot owner's expense.

The District bears no responsibility for any decorations placed on a grave. Anyone leaving such articles in the cemetery does so at his/her own risk.

Clark County Cemetery District 5 Administrative Policy

Flowers and bouquets are allowed year round.

Fences, railings, posts, etc around graves is strictly prohibited.

Glass is strictly prohibited in the cemeteries, and will be removed immediately.

No rocks or stones may be used as ground cover for a burial lot.

Planting of trees, shrubs or other woody vegetation in the cemetery is strictly prohibited.

Only authorized personnel shall trim, prune, or remove any part of trees, shrubs, or other woody vegetation in the cemeteries.

Plot owners with trees, shrubs or other woody vegetation planted on their grave/plot prior to Clark County Cemetery District 5 regulations may remove or prune such vegetation. If the vegetation by means of its roots, branches, or otherwise becomes detrimental, dangerous, or objectionable to adjacent graves, walks, roads, or avenues, or if the District is unable to maintain the grounds, the District will have the right to enter upon the said grave/plot and remove such vegetation or any part(s) thereof as it may deem necessary.



Town of Yacolt Request for Council Action

CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

Name:	Dawn Salisbury	Group Name:	Town Council
Address:	P.O. Box 160 Yacolt, WA 98675	Phone:	360-686-3922
Email Address:	clerk@townofyacolt.com	Alt. Phone:	---

ITEM INFORMATION:

Item Title:	Resolution # 593 Notice of Civil Violation update
Proposed Meeting Date:	March 2, 2020
Action Requested of Council:	Update of Civil Violation Notice
Proposed Motion:	None
Summary/ Background:	
Staff Contact(s):	Dawn Salisbury

NOTICE OF CIVIL VIOLATION

TO: Scott and Glinda Phillips
P.O. Box 129
Yacolt, WA 98675

Scott and Glinda Phillips
12018 – 189th Street
Battle Ground, WA 98604

Scott and Glinda Phillips
103 W. Yacolt Road
Yacolt, WA 98675

Scott and Glinda Phillips
103 W. Yacolt Road
Yacolt, WA 98675

AND TO: Occupants
103 W. Yacolt Road
Yacolt, WA 98675

Occupants
105 W. Yacolt Road
Yacolt, WA 98675

APPEAL HEARING DATE: Monday, April 13, 2020, at 6:00 p.m.
--

VIOLATIONS:

Inspections of the Property located at 103 and 105 W. Yacolt Road, Yacolt, Washington, were performed on October 17, 2018, October 18, 2018, and other dates and times. (The abbreviated legal descriptions of the Properties associated with this Notice of Civil Violation include Yacolt Lot 3; Yacolt #2 Lot 2; and Yacolt #2 Lot 4, hereafter referred to collectively as the “Property”.) The Property was deemed in violation of the Yacolt Municipal Code, (“YMC”), Title 18, YMC 18.30, YMC 18.105.010, and YMC 8.05. The Yacolt Town Council adopted Resolution #593 on February 18, 2020, declaring the existence of the violations and the existence of a nuisance pursuant to the YMC.

The violations are based on the 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. Specifically, the Property is being used to store one more recreational vehicles in which one or more people are residing in violation of the Town’s Zoning Code.

This Notice of Civil Violation also applies to any other conditions in violation of YMC 18 or YMC 8.05 occurring prior to the scheduled hearing date. The Town of Yacolt reserves the right to include other violations which have or may occur in violation of YMC 18 or YMC 8.05 prior to the scheduled hearing date.

REQUIRED CORRECTIVE ACTION:

1. Cease any and all use of any part of the Property for residential purposes.
2. Cease any and all use of any improvements at the Property, including temporary structures, recreational vehicles, campers, trailers, or any other type of vehicle or structure, as living quarters or for any residential purpose.
3. The violation(s) must be corrected by 5:00 p.m. on Tuesday, March 3, 2020.

You may contact the Town Clerk's Office to arrange a time for inspection of corrective actions.

CONSEQUENCES FOR CONTINUED VIOLATION:

If the corrective actions for all violations are not satisfactorily completed and approved by the applicable Town Official by 5:00 p.m. on Tuesday, March 3, 2020, the following may occur:

1. A monetary fine of \$25.00 for each separate violation may be assessed against you for each day the violations continue. The monetary fines may begin to accrue from the date the Town of Yacolt initially set for correction or from the date of this Notice of Civil Violation, as may be ordered by the Hearing Examiner. [Payment of a monetary penalty does not relieve the persons to whom this Notice of Civil Violation was issued of the duty to correct the violations.]
2. The Town may abate the unlawful conditions in accordance with YMC 8.05. The costs and expenses of abatement incurred by the Town may be assessed against you as specified and directed by the Hearing Examiner. The costs and expenses recoverable by the Town may include, without limitation, all costs of abatement of the violations, incidental costs, attorneys' fees, and collection costs.
3. The costs of removing any trees, plants, shrubs, grasses, weeds, or vegetation shall become a charge against the owners of the Property and the persons responsible for the violations, and a lien against the Property pursuant to RCW 35.21.310 as currently enacted or hereafter amended.
4. Any monetary penalty constitutes a personal obligation for you. The Property owners and the persons responsible for the violations can be held jointly and severally liable for any costs and expenses and any monetary penalty. Any monetary penalty assessed must be paid to the Town of Yacolt, located at 202 W. Cushman Street, Yacolt, WA 98675, within 10 calendar days from the date of notification of the Hearing Examiner's decision or a notice from the Town of Yacolt that penalties are due.

RIGHT TO APPEAL:

You or any person having any record title or legal interest in the real Property or building or other structure/vehicle thereon may appeal this notice by appearing at Yacolt Town Hall on Monday, April 13, 2020, at 6:00 p.m. for a hearing on the issues. Town Hall is located at 202 W. Cushman Street, Yacolt, WA 98675. The phone number is (360) 686-3922.

This hearing will be canceled and no monetary penalty will be assessed if the above Civil Violations have been corrected and approved by the applicable Town Official on or before 5:00 p.m. on Tuesday, March 3, 2020.

If you fail to appear at the scheduled hearing, the Hearing Examiner will enter an order finding that the violations occurred and assessing the appropriate monetary penalty. The Town will carry out the Hearing Examiner's order and will seek to recover all related expenses, plus the cost of the hearing and any monetary penalty from you.

PREVIOUS NOTICES:

You have been requested to voluntarily correct the above violations on multiple occasions including the following:

- | | |
|-------------------|--|
| October 9, 2018: | Letter from the Yacolt Town Clerk to Scott and Glinda Phillips regarding improper use of temporary dwelling in violation of Town Ordinances. |
| January 21, 2020: | Yacolt Town Council meeting agenda item #8, (Code Enforcement Procedures), with appearance and participation by Scott Phillips. |


ATTACHMENTS / ENCLOSURES:

1. Town of Yacolt Resolution #593;
2. YMC 18.30; and,
3. YMC 8.05.

If you have any questions about the Town's Code or this Notice of Civil Violation, or if you would like to schedule an inspection of your Property to confirm that the violations have been corrected, you may contact the Town of Yacolt at (360) 686-3922.

DATED this 25th day of February, 2020.

Town of Yacolt


By David W. Ridenour, Yacolt Town Attorney



Town of Yacolt Request for Council Action

CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

Name: Mayor Katie Listek **Group Name:** Town Council
Address: P.O. Box 160 **Phone:** 360-686-3922
Yacolt, WA 98675
Email Address: mayorlistek@townofyacolt.com **Alt. Phone:** ---

ITEM INFORMATION:

Item Title: Spring Clean Up Fees
Proposed Meeting Date: March 2, 2020
Action Requested of Council: Discuss spring clean up fees
Proposed Motion: None
Summary/ Background: Input for what fees should be charged for spring clean up
Staff Contact(s): Mayor Katie Listek



Town of Yacolt

Request for Council Action

CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

Name:	Clerk Dawn Salisbury	Group Name:	Town Council
Address:	P.O. Box 160 Yacolt, WA 98675	Phone:	360-686-3922
Email Address:	clerk@townofyacolt.com	Alt. Phone:	---

ITEM INFORMATION:

Item Title:	Local gun ordinance discussion
Proposed Meeting Date:	March 2, 2020
Action Requested of Council:	Discuss Clark County Sheriff's email concerning lack of local gun ordinance for the town
Proposed Motion:	None
Summary/ Background:	Officer Harrison came in and asked for a copy of our local gun ordinance. We do not have one so he suggested we might want to adopt something similar to Battle Ground.
Staff Contact(s):	Clerk Salisbury

I have researched all our code and found the only gun ordinance we had was repealed entirely by Ordinance 544 back in January 2017. I believe Clark County Code 9.12.030 covers us for gun laws. Can you please confirm this for me?

Thank you,
Dawn Salisbury
Clerk, Town of Yacolt
(360) 686-3922

Please note new email address. Clerk@townofyacolt.com Please update your records accordingly*

Disclaimer: This email and its attachments may be subject to public disclosure.

This e-mail and related attachments and any response may be subject to public disclosure under state law.

Clerk

From: Fred Harrison <Fred.Harrison@clark.wa.gov>
Sent: Thursday, January 30, 2020 3:29 PM
To: Clerk
Subject: RE: Yacolt Gun Ordinance

Dawn,

CCC 9.12.030 wouldn't prohibit shooting in city limits. This code just says unlawful if not done in a reasonably safe manner and if done near a residence with 100 or 200 yards depending on the firearm that all property owners agree it is okay. In theory if a bunch of neighbors banded together and wanted to shoot in their backyard and had a good backstop then it would be okay. Currently the firearm restriction map lists Yacolt as an incorporated area with city restrictions. Each city on the map lists their own jurisdiction rules. Clark County unincorporated areas have different shades of green for different shooting requirements. The closer you get to a city the more restrictive. Amboy is shaded red and would follow County rules for no shooting. You can view shooting restrictions set by the County in County GIS and under the *Find Layer* drop down box type *Fire Restrictions*. I have attempted to send you a quick link but sometimes it wants you to go through their "i am not a robot" security. <https://gis.clark.wa.gov/mapsonline/?site=AdminBoundaries&onLayers=Firearm%20Restriction&ext=1>

Ideally, you would want language similar to Battle Ground Municipal Code. Under their Title 9 that mimics Clark County Code, they added a firearms chapter 9.24. Title 9.24.010 states "It is unlawful for any person to discharge within the city limits of Battle Ground any BB gun or air compression rifle or gun, shooting shot, bullet, or metallic object; provided, however, any such shooting shall be lawful if done under the auspices and supervision of any club or organization authorized by the city council of Battle Ground to conduct such shooting. (Ord. 17-12 § 1 (part), 2017; Ord. 15-14 § 2 (part), 2015)"

Thanks,

Fred Harrison

Dep. Fred Harrison
Enforcement Branch
Clark County Sheriff's Office
707 West 13th Street
Vancouver, WA 98660
360.397.2211 ext. 5323

From: Clerk [clerk@townofyacolt.com]
Sent: Thursday, January 30, 2020 8:48 AM
To: Fred Harrison
Cc: MayorListek
Subject: Yacolt Gun Ordinance

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Officer Harrison,

9.12.030 No shooting near habitation.

Except as provided in Section 9.12.040, it is unlawful for any person to discharge any pistol, revolver, shotgun, rifle or any other firearm or device fired or discharged with explosives, or airgun or air rifle or bow and arrow, at any place within the unincorporated territory of Clark County which is not done in a reasonably safe manner and at a reasonably safe distance or direction from any building capable of being occupied by people or domestic animals or any public park or officially designated recreational trail, which distance shall in no event be less than one hundred (100) yards for airguns, shotguns and bows and arrows, and two hundred (200) yards for all other firearms; PROVIDED, that such distance requirement from a building shall not apply to shooting by, or with the written permission of, the building's owner or occupant. Nothing in this section shall be construed to permit shooting otherwise restricted or prohibited by Section 9.12.026. (Ord. 1974-10-15; amended by Sec. 4 of Ord. 1989-04-25; amended by Sec. 9 of Ord. 1995-12-31)

Compile Chapter

The Clark County Code is current through Ordinance 2019-12-01, passed December 3, 2019.

Disclaimer: The Clerk of the Board's Office has the official version of the Clark County Code. Users should contact the Clerk of the Board's Office for ordinances passed subsequent to the ordinance cited above.

County Website: <http://www.clark.wa.gov/>
(<http://www.clark.wa.gov/>)

County Telephone: (360) 397-2232

Code Publishing Company (<https://www.codepublishing.com/>)

9.12.040 Exceptions.

Notwithstanding any of the prohibitions against shooting contained in this chapter:

- (1) A firearm may be fired in lawful self-defense or defense of others.
- (2) Any firearm may be fired by a person who is slaughtering livestock in the regular conduct of an agricultural activity for which the slaughtering of livestock is required; PROVIDED, that the firearm is fired in a reasonably safe manner and at a reasonably safe distance or direction from all recreational areas, parks and places of habitation.
- (3) Arrows may be shot at targets which are impenetrable, or which are backstopped by an impenetrable material or substance, anywhere within the unincorporated areas of Clark County; PROVIDED, that a living animal shall never be considered a target and PROVIDED FURTHER, that this subsection shall not apply to commercial shooting ranges.
- (4) Any firearm or bow and arrow may be shot at targets at any shooting range licensed for such weapons pursuant to Section 9.12.050.
- (5) Any "BB" air rifle or pistol, any air pellet rifle or pistol, any .22 caliber rifle or pistol, or any handgun with practice-loaded ammunition of either wax, plastic or lead may be shot at targets by the owner, or by his guests while he is present, at his residence within any enclosed structure if the wall at which bullets are shot either is itself incapable of penetration or is backed up by some object or substance which is incapable of penetration and if the target practice is done in a reasonably safe manner; PROVIDED, that this subsection shall not apply to commercial shooting ranges.
- (6) A firearm of one thousand two hundred (1,200) feet per second or less of muzzle velocity may be fired anywhere within the unincorporated areas of Clark County to protect crops or other property from marauding or scavenging animal predators or pests if done in a reasonably safe manner and at a reasonably safe distance or direction from all occupied recreational areas, parks, or places of habitation; PROVIDED, that this subsection shall apply to shooting of domestic animals only if such animals present an immediate threat of injury or death to livestock or other domestic animal and PROVIDED FURTHER, that, except in emergency situations, deer, elk and protected wildlife shall not be killed without a permit from the State Department of Wildlife issued pursuant to RCW 77.12.265.
- (7) Nothing in this chapter shall be construed to apply to shooting wildlife pursuant to an agreement with the State Department of Wildlife entered into pursuant to RCW 77.12.140.
- (8) Nothing in this chapter shall be construed to apply to shooting by law enforcement, National Guard or United States Military personnel while engaged in official functions. (Ord. 1974-10-15; amended by Sec. 5 of Ord. 1989-04-25)

Compile Chapter

The Clark County Code is current through Ordinance 2019-12-01, passed December 3, 2019.

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(<http://www.clark.wa.gov/>)

County Telephone: (360) 397-2232

Code Publishing Company (<https://www.codepublishing.com/>)

9.12.026 Maps—Absolute restriction upon use of firearms and bows and arrows—Airguns, shotguns, muzzle loaders, and bows and arrows only.

- (1) Maps depicting areas where there is an absolute restriction upon the use of firearms and bows and arrows ("no shooting" areas) and where airguns, shotguns, muzzle loaders, and bows and arrows only may be fired ("limited shooting" areas) are adopted and certified copies thereof are filed with the Clark County auditor. Where boundaries of no shooting or limited shooting areas are roadways, the whole of the roadway is within the most restrictive area.

- (2) For clarification:

- (a) The following is a legal description of the east boundary of the Vancouver Lake Lowlands limited shooting area:

Beginning where the north boundary of Clark County is overpassed by the Centerline of the Burlington Northern Railway bridge, thence southerly along the centerline of the Burlington Northern tracks to its intersection with the north boundary line of the town of Ridgefield, thence west along the north boundary line of the town of Ridgefield to a point in the middle of Lake River, thence southeasterly along the center of Lake River and the west boundary line of the town of Ridgefield to its intersection with the south boundary of the town of Ridgefield, thence east along the south boundary of the town of Ridgefield to its intersection with the centerline of the Burlington Northern tracks, thence southerly along the centerline of the Burlington Northern tracks to its intersection with the southwesterly extension of the centerline of NW 122nd Street, thence west along the centerline of NW 122nd Street and its southwesterly extension to its intersection with the east bank of Lake River, thence generally southeast along the east bank of Lake River and continuing southeast along the east bank of Vancouver Lake following the Vancouver City Limits to a point where property on the south bank of Vancouver Lake is owned by Clark County and/or the State of Washington for parks, open space or wildlife management purposes.

- (b) The following areas adopted as a part of the County Comprehensive Growth Management Plan are designated as "no shooting" areas:

- (i) Unincorporated areas within adopted urban growth boundaries.

- (ii) Unincorporated areas within adopted rural center boundaries. (Sec. 7 of Ord. 1995-12-31; amended by Sec. 1 of Ord. 2006-09-13; amended by Sec. 2 (Exh. A) of Ord. 2009-09-03)

Compile Chapter

The Clark County Code is current through Ordinance 2019-12-01, passed December 3, 2019.

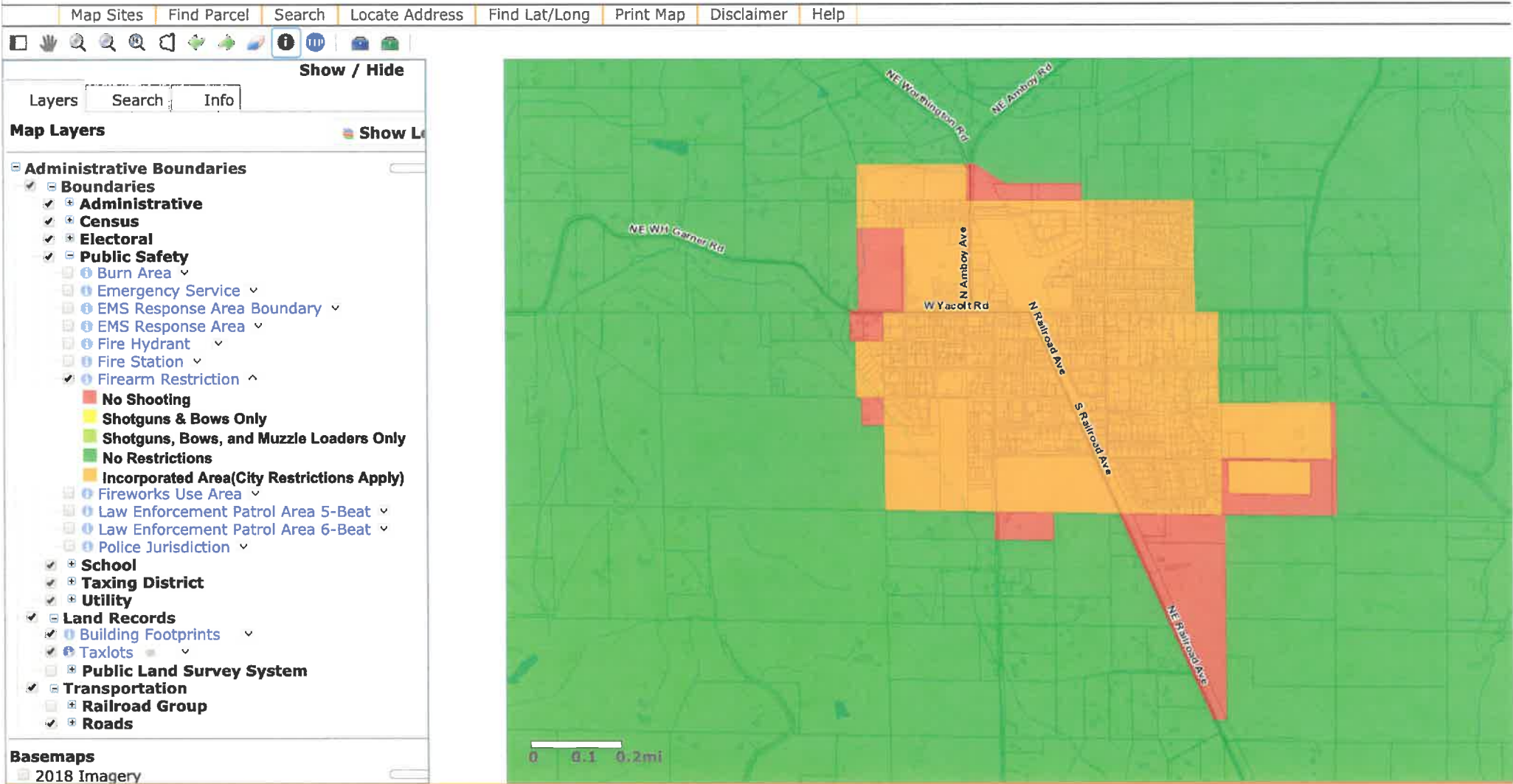
Disclaimer: The Clerk of the Board's Office has the official version of the Clark County Code. Users should contact the Clerk of the Board's Office for ordinances passed subsequent to the ordinance cited above.

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(<http://www.clark.wa.gov/>)

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Administrative Boundaries



Chapter 9.24 FIREARMS

Sections:

9.24.010 Shooting unlawful.

9.24.020 Violation—Penalty.

9.24.075 Archery and archery ranges.

9.24.010 Shooting unlawful.

It is unlawful for any person to discharge within the city limits of Battle Ground any BB gun or air compression rifle or gun, shooting shot, bullet, or metallic object; provided, however, any such shooting shall be lawful if done under the auspices and supervision of any club or organization authorized by the city council of Battle Ground to conduct such shooting. (Ord. 17-12 § 1 (part), 2017; Ord. 15-14 § 2 (part), 2015)

9.24.020 Violation—Penalty.

Violation of this chapter is a gross misdemeanor, and any person, organization or corporation convicted of violation of this chapter shall be punished as provided for in RCW [9.41.230](#). RCW [9.41.230](#) as presently written and as may be hereafter amended shall be and is hereby adopted by reference. (Ord. 17-12 § 1 (part), 2017)

9.24.075 Archery and archery ranges.

A. The shooting of an arrow from any type of bow will be prohibited in the city limits of Battle Ground unless such activity takes place on an archery range approved by the city.

1. Approval shall be by a permit process, said permit being issued by the police department. A fee shall be established for the permit by city council and paid at the time of application.
2. Minimum requirements for an outdoor range shall be:
 - a. The down-range portion of the archery range will have either ample distance or obstruction so that the flight of an arrow cannot enter a residential living area or any area where people congregate or any area that may result in any detriment to the public safety.
 - b. An archery range shall be allowed on only lots equal to twenty thousand square feet or greater.
 - c. All four sides of the range shall be clearly marked with signs at least twenty-four inches wide and twelve inches in height that state that the area is an archery range.
 - d. Outdoor ranges will be specified as commercial or noncommercial.
 - e. Persons receiving a range permit must carry at least one million dollars in liability insurance and will furnish a certificate of such to the city prior to a permit being issued. Renewal permits will be furnished when appropriate.
 - f. The range will be inspected by the police department every six months to ensure continued range safety.
 - g. In the event conditions change near or on the property where a range is located which would detract from the safe operation of the range or create violation of any conditions of the permit or any detriment to the public safety, it will be the responsibility of the owner to notify the city immediately.
 - h. Ranges will be operated during daylight hours only.
 - i. Targets will be no more than five feet off the ground.
 - j. Targets will be posted on a backstop capable of stopping an arrow. Said backstops will be at least eight feet high by four feet wide.

k. Permits to operate an archery range are revocable by the city at any time.

l. Permits are issued with the understanding that the police department may stop operation of a range at any time for any duration by serving notice either verbally or in writing to the permit holder. The permit holder may request a hearing from the city council.

m. The police department will survey the range and make a determination of safety. Said determination will take into account the range layout, surrounding property, roadways and other factors deemed significant to the safe operation of the range. The police department will issue an opinion regarding range safety. Any proposed range which they feel presents a risk or cannot operate in a safe manner will be denied a permit.

B. If the application is denied by the police department or any neighboring property owner feels aggrieved by approval of any archery permit, then the party feeling aggrieved may appeal the decision of the police department to the city council by filing a written request for a hearing not later than twenty-one days after the application is approved or denied. If such a written appeal is received by the city, the council shall, at its next regular meeting, set a time for hearing of the appeal. (Ord. 17-12 § 1 (part), 2017: Ord. 15-14 § 2 (part), 2015)

The Battle Ground Municipal Code is current through Ordinance 19-29, and legislation passed through December 2, 2019.

Disclaimer: The city clerk's office has the official version of the Battle Ground Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.cityofbg.org/>

City Telephone: (360) 342-5000

[Code Publishing Company.](#)

Aiming or discharging firearms, dangerous weapons.

(1) For conduct not amounting to a violation of chapter 9A.36 RCW, any person who:

(a) Aims any firearm, whether loaded or not, at or towards any human being;

(b) Willfully discharges any firearm, air gun, or other weapon, or throws any deadly missile in a public place, or in any place where any person might be endangered thereby. A public place shall not include any location at which firearms are authorized to be lawfully discharged; or

(c) Except as provided in RCW 9A.41.185, sets a so-called trap, spring pistol, rifle, or other dangerous weapon, although no injury results, is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(2) If an injury results from a violation of subsection (1) of this section, the person violating subsection (1) of this section shall be subject to the applicable provisions of chapters 9A.32 and 9A.36 RCW.

[1994 sp.s. c 7 § 422; 1909 c 249 § 307; 1888 p 100 §§ 2, 3; RRS § 2559.]

NOTES:

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date—1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.

Discharging firearm at railroad rolling stock: RCW 81.60.070.

RCW 9.41.260

Dangerous exhibitions.

Every proprietor, lessee, or occupant of any place of amusement, or any plat of ground or building, who allows it to be used for the exhibition of skill in throwing any sharp instrument or in shooting any bow gun or firearm of any description, at or toward any human being, is guilty of a misdemeanor punishable under chapter 9A.20 RCW.

[1994 sp.s. c 7 § 425; 1909 c 249 § 283; RRS § 2535.]

NOTES:

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date—1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.

Fireworks: Chapter 70.77 RCW.

Weapons apparently capable of producing bodily harm—Unlawful carrying or handling—Penalty—Exceptions.

(1) It shall be unlawful for any person to carry, exhibit, display, or draw any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(2) Any person violating the provisions of subsection (1) above shall be guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1) of this section, the person shall lose his or her concealed pistol license, if any. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

(3) Subsection (1) of this section shall not apply to or affect the following:

(a) Any act committed by a person while in his or her place of abode or fixed place of business;

(b) Any person who by virtue of his or her office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;

(c) Any person acting for the purpose of protecting himself or herself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;

(d) Any person making or assisting in making a lawful arrest for the commission of a felony; or

(e) Any person engaged in military activities sponsored by the federal or state governments.

[1994 sp.s. c 7 § 426; 1969 c 8 § 1.]

NOTES:

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date—1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.

Weapons prohibited in certain places—Local laws and ordinances—Exceptions—Penalty.

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a weapon:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) held for extradition or as a material witness, or (iii) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).

For purposes of this subsection (1)(b), "weapon" means any firearm, explosive as defined in RCW 70.74.010, or any weapon of the kind usually known as slungshot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury.

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas;

(c) The restricted access areas of a public mental health facility licensed or certified by the department of health for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public;

(d) That portion of an establishment classified by the state liquor and cannabis board as off-limits to persons under twenty-one years of age; or

(e) The restricted access areas of a commercial service airport designated in the airport security plan approved by the federal transportation security administration, including passenger screening checkpoints at or beyond the point at which a passenger initiates the screening process. These areas do not include airport drives, general parking areas and walkways, and shops and areas of the terminal that are outside the screening checkpoints and that are normally open to unscreened passengers or visitors to the airport. Any restricted access area shall be clearly indicated by prominent signs indicating that firearms and other weapons are prohibited in the area.

(2) Cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any pistol in the possession of a person licensed under RCW 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

(3)(a) Cities, towns, and counties may enact ordinances restricting the areas in their respective jurisdictions in which firearms may be sold, but, except as provided in (b) of this subsection, a business selling firearms may not be treated more restrictively than other businesses located within the same zone. An ordinance requiring the cessation of business within a zone shall not have a shorter grandfather period for businesses selling firearms than for any other businesses within the zone.

(b) Cities, towns, and counties may restrict the location of a business selling firearms to not less than five hundred feet from primary or secondary school grounds, if the business has a storefront, has hours during which it is open for business, and posts advertisements or signs observable to passersby that firearms are available for sale. A business selling firearms that exists as of the date a restriction is enacted under this subsection (3)(b) shall be grandfathered according to existing law.

(4) Violations of local ordinances adopted under subsection (2) of this section must have the same penalty as provided for by state law.

(5) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

(6) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel, except that subsection (1)(b) of this section does apply to a law enforcement officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010; or

(c) Security personnel while engaged in official duties.

(7) Subsection (1)(a), (b), (c), and (e) of this section does not apply to correctional personnel or community corrections officers, as long as they are employed as such, who have completed government-sponsored law enforcement firearms training, except that subsection (1)(b) of this section does apply to a correctional employee or community corrections officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010.

(8) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

(9) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(10) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

(11) Government-sponsored law enforcement firearms training must be training that correctional personnel and community corrections officers receive as part of their job requirement and reference to such training does not constitute a mandate that it be provided by the correctional facility.

(12) Any person violating subsection (1) of this section is guilty of a gross misdemeanor.

(13) "Weapon" as used in this section means any firearm, explosive as defined in RCW 70.74.010, or instrument or weapon listed in RCW 9.41.250.

[2018 c 201 § 9003; 2018 c 201 § 6007; 2011 c 221 § 2; 2008 c 33 § 1. Prior: 2004 c 116 § 1; 2004 c 16 § 1; 1994 sp.s. c 7 § 429; 1993 c 396 § 1; 1985 c 428 § 2.]

NOTES:

Reviser's note: This section was amended by 2018 c 201 § 6007 and by 2018 c 201 § 9003, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Findings—Intent—Effective date—2018 c 201: See notes following RCW 41.05.018.

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date—1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.

Severability—1985 c 428: See note following RCW 9.41.290.



Town of Yacolt Request for Council Action

CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

Name: Mayor Katie Listek **Group Name:** Town Council
Address: P.O. Box 160 **Phone:** 360-686-3922
Yacolt, WA 98675
Email Address: mayorlistek@townofyacolt.com **Alt. Phone:** ---

ITEM INFORMATION:

Item Title: Review Facility Rental fees
Proposed Meeting Date: March 2, 2020
Action Requested of Council: Discuss changes to facility rental fees
Proposed Motion: None
Summary/Background: Review facility rental fees for town hall and discuss possible changes
Staff Contact(s): Mayor Katie Listek

Resolution #585

A RESOLUTION AMENDING RESOLUTION 469, ESTABLISHING THE TOWN HALL
AND PARKS FACILITIES USE POLICY AND ADOPTING THE RENTAL FEE SCHEDULE
FOR TOWN FACILITIES

WHEREAS: the Town of Yacolt Town Hall and Park Facilities that is used to hold meetings and other special events; and

WHEREAS: the Town frequently receives requests from various groups and organizations to use those facilities; and

WHEREAS: Town business is a priority, coordination of facility use is important to balance facility use for Town business and non-Town use; and

WHEREAS: use of the Town's facilities would work most effectively and fairly by establishing uniform procedures for application and authorization of their use

NOW, THEREFORE, THE TOWN OF YACOLT, WASHINGTON HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town of Yacolt hereby adopts the Facilities Use Agreement, attached hereto as Exhibit A, establishing and outlining the procedures and authorization for use of the Town Hall Buildings; and

Section 2. Town staff are hereby authorized to take all steps necessary to successfully implement and enforce the Facility Use Agreement; and

Section 3. The Town of Yacolt hereby adopts the following fee schedule for use of the Town Facilities:

Town Hall:

- a. Damage Deposit = \$100.00
- b. Cleaning Deposit = \$35.00
- c. Hour = \$20.00 for Non Residents
- d. After Hours Lock up Fee = \$15.00
- e. Kitchen Use Fee = \$25.00

Town Park:

- a. Damage Deposit = \$100.00
- b. Cleaning Deposit = \$35.00
- c. Hour = \$20.00 for Non Residents

Recreation Park:

- a. Damage Deposit = \$100.00
- b. Cleaning Deposit = \$35.00
- c. Hour = \$20.00 for Non Residents

Section 4. Town residents must show proof of residency to qualify for rental at no fee. Proof must have the renter name and address in Town limits. Examples are a driver's license or utility bill in their name.

Section 5. The Town of Yacolt reserves the right to waive any portion of the above fee schedule for non-profit organizations and when presented prior to the use of the facility, reasons the fee would create a hardship and or be burdensome, in a regularly scheduled meeting.

Adopted by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 5th day of August, 2019.

Town of Yacolt



Vince Myers, Mayor

Attest:



Dawn Salisbury, Town Clerk

Ayes: Boget, D. Moseley, M. Moseley, Noble, Rave-Tice

Nays: 0

Abstain: 0

Absent: 0



Town of Yacolt Request for Council Action

CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

Name: Mayor Katie Listek **Group Name:** Town Council
Address: P.O. Box 160 **Phone:** 360-686-3922
Yacolt, WA 98675
Email Address: mayorlistek@townofyacolt.com **Alt. Phone:** ---

ITEM INFORMATION:

Item Title: Executive Session

Proposed Meeting Date: March 2, 2020

Action Requested of Council: Executive Session

Proposed Motion: None

Summary/ Background: The Council is invited to attend an executive session on the following subjects: 1). To review the performance of the Town's public employees, as authorized by RCW 42.30.110(1)(g); and 2). To discuss litigation and potential litigation with the Town Attorney, as authorized by RCW 42.30.110(1)(i). The Town Attorney will attend the executive session. The Town's department heads and staff members may be invited to attend if requested by the Council. No action by the Council following the session is expected or requested.

Staff Contact(s): Mayor Katie Listek