CITY ADMINISTRATOR
ROBERT OMANS

CITY CLERK
DEBBIE LEE

FINANCE DIRECTOR
ROBIN NEWCOMB

PUBLIC WORKS DIRECTOR
MATHEW BAILEY

POLICE CHIEF
RICH ALBO

FIRE CHIEF
ED MILLS

PLANNER
COLLEDA MONICK

Public Safety & Health Committee Agenda
January 16, 2026
1:00 PM

119 W FIRST STREET
CLE ELUM, WA 98922

MAYOR
MATTHEW LUNDH

DEPUTY MAYOR
CASSIDY BUECHLE - CURTIS

PUBLIC SAFETY & HEALTH COMMITTEE
CASSIDY BUECHLE-CURTIS
STEVEN HARPER
BETH WILLIAMS

CITY ATTORNEY
CURTIS CHAMBERS

Join Virtually via Zoom: https://zoom.us/j/7573184018?pwd=dERndjBJVC9GdVQ1d2ISRExwZFhXZz09
Meeting ID: 757 318 4018 Passcode: 98922

Join by Phone: 1-(253)215-8782, Meeting ID: 757 318 4018, Passcode:98922
TextMyGov **Receive city text alerts: text CLEELUM to 91896**

DISCLAIMER: The City does not guarantee that virtual or telephonic access to the City Council meeting will be available, and the City does not warrant audio quality. Attendees are encouraged to attend in person.

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1. **Call to Order, Pledge of Allegiance**
2. **Appoint New Chair for 2026**
   a. Set Meeting Time and Day
3. **Unfinished Business**
   a. Municipal Code — Addressing (Fire/Police)
   b. Cle Elum Municipal Code — Chapter 2.15 — Fire Department
   c. Title 8 — Health & Safety
   d. E-Bike — Discussion
4. **New Business**
   a. Title 6 — Animals
   b. Cle Elum Public Safety & Health — Meeting Minutes — December 17, 2025
5. **Other Committee Comments**
6. **Adjournment**

Upcoming Meetings:
General Government Committee Meeting — January 28, 2026, at 8:30 a.m.
Coal Mines Trail Commission Meeting — February 2, 2026, at 4:00 p.m.
Planning Commission Meeting — February 3, 2026, at 6:00 p.m.
Public Works & Community Development Committee Meeting — February 4, 2026, at 8:30 a.m.

Public Safety & Health Committee Agenda
January 16, 2026

119 W FIRST STREET
CLE ELUM, WA 98922

Regular Council Meeting — February 10, 2026, at 6:00 p.m.
Lodging Tax & Events Committee Meeting — Februray 11, 2026, at 8:30 a.m.
Historic Preservation Commission Meeting — February 17, 2026, at 3:00 p.m.
Public Safety & Health Committee Meeting — February 18, 2026, at 1:00 p.m.
Civil Service Commission Meeting — February 18, 2026, at 5:15 p.m.

XX.XX.XXX Title
This chapter shall be known as the uniform street naming and house numbering ordinance of the city. (ord. Number)

XX.XX.XXX Applicability

This chapter shall apply to all property in the City of Cle Elum.

XX.XX.XXX Purpose.
The purpose of this chapter is to establish a uniform method for naming roadways and assigning addresses for real property and structures within the City of Cle Elum and grant the City Council the authority to assign road names and numbers, method of numbering system used, and address structures within the city.

Decisions related to minor or major changes to addressing and street names will be made by the City Council. When making changes to addressing ~~and~~ or street changes. The Director of Public Works, a representative of the Police Department and a representative of the Fire Department should be consulted for considerations made by the City Council.

Goals of this chapter are as follows:

1. To facilitate expedient emergency response by medical, law enforcement, fire, rescue and other emergency services.
2. To regulate the display of property address numbers and provide for accurate and effective road name signage, installation and maintenance.
3. To provide property owners, the general public, emergency responders, and government agencies and department with an accurate and systematic means of identifying and locating property.

The city council reserves the option of changing addresses. Applications to the City Council for street renaming shall contain the signatures of the majority of persons having ownership in properties addressed on the street. The filing fee for an address change application is established by administrative order of the city manager or the city manager's designee. The building official shall provide written notification to affected property owners at least 20 days before City Council action. In its deliberation, the City Council shall consider information including location, development characteristics, and impact of the change on existing businesses, residences as well as on emergency vehicle responsiveness. Only entire street lengths or distinct major portions of streets are eligible for renaming by the City Council. For the purpose of this chapter, distinct major portion means a separate portion of a street identifiable by either a directional shift or an interrupted interval. A street name change is accomplished by the adoption of an ordinance directing the change.

XX.XX.XXX Methods of Addressing

It is recognized that Cle Elum has two primary methods to assign addresses, as listed in this chapter.

X. GRID METHOD

Commented [CM1]: It's unclear what is considered "minor" vs "major" - this could benefit from a definition or example.

Commented [CM2]: Consider adding a **Definitions** section after the "Purpose" section to clarify terms such as *Director*, *Department*, and *Addressing Code*, as well as key terms like *ADU*, *Building*, *Complex*, *Unit*, *Street Name Change*, and *Way-of-Travel*. Where applicable, definitions should be consistent with those already established in other chapters—particularly Chapter 14—to avoid conflicts and ensure alignment across the code.

Commented [CM3]: Clarify that both methods may be used in different areas of the City, or clarify where each applies.

The numbering pattern shall be as follows:

X. Beginning at the east-west base line of Pennsylvania Ave (the zero point), all blocks or grids shall be numbered from [Starting number 100], with consecutively increasing numbers both to the north and to the south, odd numbers on the left side, and even numbers on the right side

X. Likewise, beginning at the north-south base line of Railroad St (the zero point), all blocks or grids shall be numbered from [Starting number 100], with consecutively increasing numbers both to the east and to the west, odd numbers on the left side, and even numbers on the right side

Commented [CM4]: Consider a map or visual guide as a reference exhibit for implementation.

X. KITTITAS COUNTY METHOD

The pattern shall be measured by meters from a road intersection to any parcel's main driveway, with odd numbers on the left, and even numbers on the right.

X. Addresses should contain only whole numbers

X. In the assignment of numbers, the City Council may take into consideration: driveways, principal entrances, topography and existing field conditions.

X. Buildings situated on a circle, court, loop, or cul-de-sac shall be numbered consecutively beginning at the point of origin and proceeding progressively around such circle, court or loop.

X. Buildings not visible from a public street or set back from a public street to the extent the building address is not readily visible, shall be addressed from the driveway access

XX.XX.XXX Multiple Dwelling Units and ADU's

X. Multiple dwelling units shall receive one building address. The location of the main entrance determines that number. The multiple-dwelling unit owner shall provide individual units within the complex a number composed of unit number and floor in a clockwise direction from the main entrance for interior ADU's or main residence for exterior ADU's

X. Addresses for ADU's shall be identified by the primary residence address followed by "Unit X"

X. Units will be addressed in sequential alphabetical order starting with "A" For example, if the primary residence is 123 Main St; the first ADU would be labeled: "123 Main St Unit A"

X. Properties containing multiple levels of ADU's will have the floor level first and the unit letter second. For example, if there is a multiple level ADU on a property, they would be labeled: (First Level) 123 Main Street Unit 1A (Second Level) 123 Main St. Unit 2A.

X. In the case ~~od~~ of exterior ADU's, it is the responsibility of the property owner to plan the property in accordance with the addressing code. If an ADU becomes addressed as "Unit A" and the property owner adds another ADU that is out of the clockwise order. The city shall require the property owner to re-address the original ADU as "Unit B" and the new ADU "Unit A" to be compliant with the clockwise order of the addressing.

Commented [CM5]: Recommend defining what constitutes "clockwise order" (from aerial view? from front door?)

X. Costs associated with re-addressing will be the responsibility of the property owner.

XXX.XX.XXX Multi Family Housing

X. Buildings with multiple tenantable or habitable units may receive one numerical designation. Individual units may be designated by suffixed letters or numbers, at the discretion of the City Council

xx. Multi-building developments with the same street address for all of the buildings (or multiple buildings) should have buildings lettered and doors should be numbered, floors of a building should be numbered coinciding with the level of the building. The first number of the door should coincide with the level.

XX. Addressing should be started based on the main entrance of the structure (not necessarily the exit). Left should be odd, right should be even.

XX. Addressing for buildings must be displayed in accordance with the standards on each building in a multi-family development with multiple buildings.

X. Multi-family development will have each building assigned a numbered address taken from the street each building fronts. Interior streets within multifamily developments will be named. Each of the multi-family buildings fronting that interior street will be numbered from said street. Each unit within a multifamily building will also be identified. The unit numbering will be from left to right as seen from facing the building, the first digit of each unit number will indicate on which floor the building each unit is located.

X. A multi-family dwelling unit that has a number of entrances and each entrances services a separate occupant, then each entrance shall be assigned an address. If whole numbers are exhausted – then a single building number shall be utilized with sequential letter designations used for each separate unit.

X. *A ~~single multiple family dwelling structure~~ (Does this align with our building code language)*single residential structure that contains multiple separate dwelling units shall be assigned one address number for the structures. Addresses for individual dwellings within the structure shall have the first digit representing the floor level of the entrance.

X Multifamily complexes with multiple structures may have an assigned address for each structure with each individual dwelling within the structure numbered as in a subsection of this section -

XX.XX.XXX Commercial

XX. The preferred method is for different buildings to have individualized street addresses where possible

It will be the City's choice at the time to evaluate variances to the preferred method

Commented [CM6]: Simplify and condense for clarity. This section is repetitive and hard to follow.

Commented [CM7]: Define "multi-family dwelling" vs "multi-family complex" vs "multiple tenantable or habitable units".

Commented [CM8R7]: Possible Suggestion: break this section into three parts:
1.Addressing individual buildings
2.Addressing individual units
3.Rules for interior streets and entrances

Commented [CM9]: Good intent, but "It will be the City's choice at the time..." is vague.

Suggest rephrasing: "The City may approve deviations from the preferred addressing method where site conditions, layout, or emergency access considerations warrant an alternative configuration."

X. In commercial development projects with a single access from a main street and a shared parking lot each building will be individually numbered from the main street. For those fronting an intersecting street, each building will be individually numbered from the intersecting street of which it fronts. Each tenant suite within a commercial building will also be identified. Suite number should be from left to right, as seen from facing the building. The first digit of each suite number will indicate on which floor of the building each suite is located. Residential units located above commercial buildings will be addressed in accordance with the multi-family complex section.

XX.XX.XXX Assignment of addresses.

A. The city shall assign addresses at the time of issuance of building permits.

In existing subdivisions, short subdivision plats, in binding site plans, planned unit developments, and in land not yet platted, the assignment of addresses for new buildings shall occur in conjunction with the issuance of a building permit.

B. Should the city find that any building, structure or premises is not provided with an address, is not correctly addressed, or is not using the correct address, the department shall notify the owner, agent or renter of the building, structure or premises of the correct address. The address shall be properly placed in accordance with the provisions of this chapter by the effective date shown on the notice. It shall be unlawful for any owner, agent or renter to display, advertise or use the wrong address after notification by the department.

C. Whenever there is a doubt or difference of opinion as to the correct road designation or correct address, the road designation or address shall be determined by the City Council and shall be guided by the specific provisions of this chapter.

XX.XX.XXX Signage.

X. The owner, occupant or renter of any addressed building, structure or premises shall conspicuously display the address of each building or each front entrance immediately above, on or at the side of the proper door, porch, or gate so the number can be plainly seen from the adjacent way-of-travel.

X. If the building is not clearly visible from an adjacent way-of-travel, the numbers shall be displayed at the main entrance from the way-of-travel and each branch of private ways-of-travel.

X. Numbers shall be easily legible against a contrasting background and shall be at least four inches in height if a residential use or individual multifamily unit, and at least five inches high if a commercial use.

XX.XX.010 Notification of addressing assignments.

Upon assignment of a building address, the City shall notify the:

(1) United States Postal Service

(2) Fire Department

(3) Cle Elum Roslyn Police Department; and

(4) Other agencies as determined by the [WHO]

Commented [CM10]: Consider identifying address assignment authority to a department head. This is vague on who is responsible.

Commented [CM11]: This needs to follow the sign code - so please be sure to reference that.

Commented [CM12]: Building Official or Public Works Director.

XX.XX.090 Violation – Penalty – Hearing.

X. Any person failing to comply with the provisions of this chapter or affixing to or displaying upon any house or building any numbers other than those assigned to the house or building, maybe assessed a civil penalty in an amount of not more than $100.00 for each violation.

X. When code enforcement determines that a violation exists, code enforcement or their designee may issue a notice of civil penalty to the person responsible for the violation. The notice shall include the name and address of the person responsible for the violation, the street address or other description of the building, structure or premises affected by the violation, a description of the violation and the required corrective action, the date, time and location of an appeal hearing before the hearing examiner which is at least 10 days from the date of the notice, a statement indicating that the hearing will be canceled and no monetary penalty assessed if the department director approves the completed corrective action at least 48 hours prior to the hearing, and a statement that the monetary penalty may be assessed as ordered by the hearing examiner.

X. Code enforcement shall serve the notice of civil penalty upon the person to whom it is directed, either personally or by mailing a copy of the notice to such person at their last known address. If the person to whom the notice is directed cannot after due diligence be so served, the notice shall be served by posting a copy of the notice conspicuously on the affected property or structure.

X. The person to whom a notice of civil penalty is issued will be scheduled to appear before the hearing examiner not less than 10 days after date of the notice. The hearing will be canceled and no monetary penalty assessed if at least 48 hours prior to the scheduled hearing the department director approves the completed corrective action. At any hearing, the hearing examiner shall determine whether the city has established by a preponderance of the evidence that a violation has occurred and that the required correction is reasonable and shall affirm, vacate or modify the city's decision regarding the alleged violation and the required corrective action. The hearing examiner shall mail a copy of the written decision to the appellant and to the department director within 30 days of the hearing. The decision of the hearing examiner shall be final unless, within 10 days after filing of the decision, an aggrieved party appeals the hearing examiner's decision by writ of review to the county superior court.

X. Payment of the monetary penalty pursuant to this chapter does not relieve the person to whom the notice of civil penalty was issued of the duty to correct the violation. Any monetary penalty assessed must be paid to the city within 10 days from the date of mailing of the hearing examiner's decision or a notice from the city that penalties are due.

Appeals Section or cite other appeal requirements elsewhere in the code if you are going to allow for that.

Reference to Addressing Standards (e.g. USPS, Kittitas County GIS…)

Commented [CM13]: Revise to make clear who issues the penalty—code enforcement or department director?

Commented [CM14R13]: Ensure consistency in how "department," "code enforcement," and "hearing examiner" are used.

Chapter 2.15
FIRE DEPARTMENT

Sections:

2.15.010 Title.
2.15.020 Charter – Required.
2.15.030 Organization.
2.15.040 Chief – Election and duties generally.
2.15.050 Board of officers.
2.15.060 Assistant chief.
2.15.070 Command in absence of chief.
2.15.080 Chief – Removal.
2.15.090 Chief – Fire warden.
2.15.100 Charter – Names of members.
2.15.110 Right of entry and appointment of special policemen.
2.15.120 Right-of-way.
2.15.130 False alarm prohibited.
2.15.140 Penalty for violation.
2.15.150 Equipment use outside city authorized.
2.15.160 Mutual aid agreements authorized.
2.15.170 Death and disability benefits – Authorized.
2.15.180 Death and disability benefits – Enrollment.
2.15.190 Number of members.

2.15.010 Title.

The fire department organized under the provisions of this chapter shall be known as the Cle Elum ~~fire department~~Fire Department.

(Ord. 42 § 1, 1903)

2.15.020 Charter – Required. ~~We have Two stations members are sent to board of volunteer firefighters and city clerk.~~

Each company of the Cle Elum Ffire Ddepartment as provided in this chapter shall receive a charter from the council signed by the mayor and clerk and sealed with the seal of the city. The charter shall give the names of the company, date of organization and names of its members. All names appearing on the charter shall be known as charter members of the "_Company."

Commented [RO1]: We have Two stations members are sent to board of volunteer firefighters and city clerk.

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(Ord. 42 § 2, 1903)

2.15.030 Organization.

The fire department shall not at any time exceed thirty firefighters~~men~~ for each one thousand of population, or fraction thereof of the city's population; provided, that at no time shall the membership of the fire department be less than fifteen firefighters~~men~~.

shall consist ~~of as many hose companies and hook and ladder companies~~, ~~of not more than twenty members~~ and not less than fifteen members, as may be organized in the manner provided in this chapter, with the approval of the council of the city. Each company shall elect a president, secretary and clerk and make bylaws for its own government. ~~On~~ By the second ~~Monday~~ Tuesday of January of each year each company shall elect a captain, who shall take charge of the company and cause the orders of the chief to be executed, and he shall also see that all apparatus belonging to his company is kept neat and clean and in order for immediate use.

(Ord. 42 § 3, 1903)

2.15.040 Chief – Election and duties generally.

There shall be elected on the second Monday of January of each year by the members of the fire department, subject to the approval of the council of the city, a chief of the fire department, who shall hold office for the term of one year or until his successor is elected and qualified; provided, however, that C.H. Haines shall be chief of the fire department until the second Monday in January, 1904. The chief of the fire department shall have control of the department at all times, and all apparatus belonging to the department. It shall be his duty to see that all property belonging to the city, and used for the purposes of the fire department, is kept in good condition and ready for immediate use. He shall have sole command at fires over the members of the fire department while on duty, and shall have police powers at fires as ex officio marshal. He shall have power to make all necessary repairs and purchase all needed supplies; provided, however, that in case of the purchase of hose, hose carts or hydrants, he shall first obtain the consent of the city council. The chief shall have power to make rules for the government of the fire department, and can suspend any company or member thereof for insubordination pending an investigation as provided for in this chapter.

(Ord. 42 § 4, 1903)

2.15.050 Board of officers.

The captain, treasurer and secretary of each company and the chief of the department shall constitute a board of officers, whose duty shall be to settle all disputes in the department, to organize new companies, with the consent of the council, at the recommendation of the chief, and designate who shall be charter members of the same; to investigate charges made against any company thereof and to expel any company or member thereof from the department. The chief shall be the presiding officer at the meetings of the board.

Commented [RO2]: Needs updating

Commented [RO3]: Needs updating

Commented [RO4]: Review for duplication

Commented [RO5]: Section needs review and updating

Commented [RO6]: Review for duplication and revise.

(Ord. 42 § 5, 1903)

DRAFT

2.15.060 Assistant chief.

The chief of the department shall appoint an assistant chief whose duty shall be to assist the chief in the discharge of his duties at fires, and in the absence of the chief at fires to assume command and have all the powers of the chief.

(Ord. 42 § 6, 1903)

2.15.070 Command in absence of chief.

In the absence of the chief and assistant chief, the fire captain at the fire shall assume command.

(Ord. 42 § 7, 1903)

2.15.080 Chief – Removal.

The chief of the fire department may be impeached by a majority vote of the members of the fire department, subject to approval of the city council, and the chief may be removed ~~from~~ by the council at any time for cause.

(Ord. 42 § 8, 1903)

2.15.090 Chief – Fire ~~warden~~Marshal.

The chief of the fire department is constituted fire ~~warden~~ marshal of the city. (Ord. 42 § 9, 1903)

2.15.100 Charter – Names of members.

The secretary of each company shall immediately present the city clerk a list of the names of the members of his respective company and receive a charter as provided in this chapter. Such charter shall be dated back to cover the entire service of each of the companies.

(Ord. 42 § 10, 1903)

Commented [RO7]: Update for election and other revisions.

Commented [RO8]: Check with Rob

Commented [RO9]: Needs updating.

DRAFT

2.15.110 Right of entry and appointment of special policemen.

In all cases of fire within the limits of the city or within one mile thereof during the time of fire, the chief of the fire department of the city or his assistant or any other person in command thereof at the time, shall for the purpose of extinguishing, controlling or checking such fire, have the right to enter any part of any building or structure within the limits aforesaid, and do or cause to be done therein, any act or thing he may deem necessary, and in extreme cases of fire, to explode or otherwise remove, or cause the same to be done, any building or structure within the limits aforesaid, and during the time of fire such person shall have the right to appoint special policemen, who shall have authority to act as such without being sworn.

(Ord. 113 § 1, 1909)

~~2.15.120 Right-of-way.~~

~~In all cases when the alarm of fire has been given, the fire department shall have the right-of-way, and any person or persons who wilfully hinder, delay or in any manner oppose any officer or member of the fire department of the city, while in the lawful performance of his duty in time of fire, shall be deemed guilty of a misdemeanor and be punished as provided in this chapter.~~

~~(Ord. 113 § 2, 1909)~~

2.15.130 False alarm prohibited.

It is unlawful for any person call in or report a false alarm. ~~to ring or cause~~causing the department to be toned out or respond to a false ~~to be rung the fire bell of~~alarm of the city on any occasion except for fire alarm, or in connection therewith under the direction of the chief of the fire department.

(Ord. 113 § 3, 1909)

~~2.15.140 Penalty for violation.~~

~~Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not exceeding one hundred dollars. Might need to be raised to?~~

~~(Ord. 113, 1909)~~

~~2.15.150 Equipment use outside city authorized.~~

~~The mayor of the city, acting by and through the chief of the fire department, is authorized to dispatch and use the fire apparatus and equipment of the city, together with the fire department personnel operating the same, outside~~

Commented [RO10]: Change terminology. Reference IFC for entry.

Commented [RO11]: Necessary with Interlocal agreements?

DRAFT

of the corporate limits of the city, for the purpose of rendering assistance to neighboring communities and areas in the event of a threatening conflagration or other dire emergency. Under no circumstances shall such fire apparatus and equipment be dispatched outside of the city to such an extent as to deplete existing available equipment or leave the city without adequate fire protection.

(Ord. 577 § 1, 1962)

2.15.160 Mutual aid agreements authorized.

The mayor and the city clerk are authorized and directed to execute on the behalf of the city such mutual aid agreements with adjoining communities or areas maintaining and operating fire apparatus and equipment or with the Central Washington Firemen's Association as may be necessary or desirable to effectuate the orderly dispatch of the city fire apparatus and equipment outside of the city and the reciprocal dispatching of other apparatus and equipment into the city. Mutual aid agreements will be reviewed and approved by the city council. The active Mayor and fire chief will both sign the agreement after being approved by the council.

(Ord. 577 § 2, 1962)

2.15.170 Death and disability benefits – Authorized.

On and after the effective date of Chapter 261, Laws of 1945, as contained in RCW Chapter 41.24, all firemen, including volunteers and fully paid, shall be entitled to the benefits of the death and disability provisions provided under Chapter 261, Laws of 1945, as contained in RCW Chapter 41.24.

(Ord. 397 § 1, 1945)

2.15.180 Death and disability benefits – Enrollment.

The city clerk shall be the secretary-treasurer of the board of trustees created by said act and shall enroll each firemenfireman under the death and disability provisions of said law.

(Ord. 397 § 2, 1945)

Commented [RO12]: Check legal references.

2.15.190 Number of members.

The volunteer fire department personnel of the city shall not at any time exceed thirty firefightersmen for each one thousandthousands of population, or fraction thereof of the city's population; provided, that at no time shall the membership of the fire department be less than fifteen firemenfirefighters.

(Ord. 1489 § 1, 2018; Ord. 397 § 3, 1945)

The Cle Elum Municipal Code is current through Ordinance 1683, passed September 24, 2024.

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

City Website: cityofcleelum.com
City Telephone: (509) 674-2262

Hosted by General Code.

DRAFT

Title 8
HEALTH AND SAFETY

Chapters:

8.04 Manufacture, Storage, Preparation and Sale of Food
8.05 Noise
8.08 Garbage Collection
8.12 Nuisances
8.13 False Alarms
8.16 Junk Vehicles and Hulks
8.20 Junkyards
8.24 Fire Prevention
8.28 Fireworks
8.32 Storing of Automobiles in Public or Private Garages
8.36 Storage of Gasoline, Benzine or Naphtha
8.40 Petroleum Fuel Burning Equipment
8.44 Camping on Public Property
8.48 Television and Radio Antennas
8.52 Aircraft Operation
8.60 Code Enforcement

Chapter 8.04
MANUFACTURE, STORAGE, PREPARATION AND SALE OF FOOD

Sections:

8.04.010 Maintaining place of business.
8.04.020 Screen at all openings.
8.04.030 Decayed matter.
8.04.040 Food in toilet room prohibited.
8.04.050 Place of sale sanitation.
8.04.060 Food service employee – Communicable disease prohibited.
8.04.070 Serving or selling decayed food prohibited.
8.04.080 Meat transporting vehicle sanitation.
8.04.090 Food inspection.
8.04.100 Access for inspection.
8.04.110 Destruction of unwholesome food.

8.04.120 Manufacture of food.
8.04.130 Penalty for violation.
8.04.140 Slaughtering prohibited.
8.04.150 Fat rendering prohibited.
8.04.160 Food sanitation.
8.04.170 Condemnation of unwholesome food.
8.04.180 Protection of food from contamination.
8.04.190 Food preparation employee – Communicable disease prohibited.
8.04.200 Transportation of fresh meat.

8.04.010 Maintaining place of business.

Every person keeping, maintaining or being in charge of any factory, public or private market, stall, shop, store, warehouse, cold storage, cart, wagon or other vehicle in or from which any meat, fish, oysters, birds, fowls, vegetables, fruit, milk or other provisions are manufactured, held, kept, stored or offered for sale, or other disposition, as food for human beings, shall keep same in a clean, pure and wholesome condition.

(Ord. 206 § 1, 1921)

8.04.020 Screen at all openings.

The kitchens of all restaurants and hotels, all candy factories, fish markets, meat markets and bakeries, shall have good and proper screens at all openings in such places where flies or other insects can enter, for the purpose or excluding such insects from said places.

(Ord. 206 § 2, 1921)

8.04.030 Decayed matter.

No decayed matter of any kind shall be allowed to remain in any receptacle wherein are kept any fruits, meats, vegetables or other food for sale.

(Ord. 206 § 3, 1921)

8.04.040 Food in toilet room prohibited.

No meats, fish, game, vegetables, fruits or other foodstuffs prepared or unprepared shall be kept for sale in any room in which a toilet is located, or in any room opening directly into a toilet room, unless there is outside ventilation to such toilet room.

(Ord. 206 § 4, 1921)

8.04.050 Place of sale sanitation.

No person maintaining or in charge of any restaurant, hotel or boardinghouse, or other place where food is sold, served, or manufactured in either a cooked or raw state, shall keep such place in a filthy or unsanitary condition. All persons employed in or about such places shall keep themselves and their clothing in a clean and sanitary condition.

(Ord. 206 § 5, 1921)

8.04.060 Food service employee – Communicable disease prohibited.

No person suffering from tuberculosis or any other communicable disease shall be employed in or about any restaurant, hotel or boardinghouse, or other place where food is sold or served, in any such manner as that he or she will come in contact with such food.

(Ord. 206 § 6, 1921)

8.04.070 Serving or selling decayed food prohibited.

No person maintaining or in charge of any restaurant, hotel or boardinghouse, or other place where food is served or sold, either in a cooked condition or otherwise, shall serve or sell, or cause to be served or sold, any tainted or diseased meat, fish, oysters, fowls, or any decayed or partially decayed or unwholesome fruit or vegetables or any other unwholesome food whatever.

(Ord. 206 § 7, 1921)

8.04.080 Meat transporting vehicle sanitation.

Wagons or cars in which meat or meat food products are transported shall be kept in a clean and sanitary condition.

(Ord. 206 § 12, 1921)

8.04.090 Food inspection.

It shall be the duty of the food inspector and deputies of the city to visit and inspect at frequent intervals every public or private market, stall, shop, store, warehouse, cannery, factory, restaurant, cold storage, slaughterhouse, and all other places from which any of the articles of food for human beings in this chapter mentioned, are manufactured, kept, held, prepared or offered for sale.

(Ord. 206 § 8, 1921)

8.04.100 Access for inspection.

In order to enable the food inspector and his deputies to make the inspections provided for in this chapter, they shall have access to all parts of any building where business of the kind contemplated by this chapter is carried on, at all reasonable hours.

(Ord. 206 § 9, 1921)

8.04.110 Destruction of unwholesome food.

Whenever the food inspector or his deputies finds in or about any of the places or vehicles mentioned in Section 8.04.090 any unhealthful, diseased, unwholesome, or deleterious foodstuffs of the kind mentioned in this chapter he may give notice to the owner or manager of such place to at once remove such foodstuffs to such place as he may designate and there destroy the same; and the owner or manager shall at once remove the foodstuffs to the place designated and destroy them, or the food inspector or his deputies may seize the foodstuffs and destroy them.

(Ord. 206 § 10, 1921)

8.04.120 Manufacture of food.

The provisions of this chapter shall apply to all factories for the manufacture and sale of ice cream, confectionery and soft drinks, and all premises occupied by street vendors in the manufacture of tamales, candy and other like articles of food.

(Ord. 206 § 11, 1921)

8.04.130 Penalty for violation.

Any person or persons, firm or corporation violating any of the provisions of this chapter, upon conviction shall be punished by a fine of not less than fifteen dollars, nor exceeding one hundred dollars, or by imprisonment for a period not exceeding thirty days, or by both such fine and imprisonment.

(Ord. 206 § 13, 1921)

8.04.140 Slaughtering prohibited.

It is unlawful for any person, firm or corporation within the city to slaughter or kill any animal or fowl for the purpose of selling or disposing of the meat thereof within the city for food, except however, that this chapter shall not prohibit the killing of fowl for private family use if the same is done in a manner not to cause an unsanitary condition where the fowl are killed.

(Ord. 169 § 1, 1917)

8.04.150 Fat rendering prohibited.

No person, firm or corporation shall engage in the business of rendering any lard, tallow or other animal fats within the city.

(Ord. 169 § 2, 1917)

8.04.160 Food sanitation.

No meat, fish, oysters, game or fowl shall be sold or offered for sale within the city unless they are fresh, clean and untainted and the place or places where they are kept in storage or for sale are in a healthful and sanitary condition.

(Ord. 169 § 3, 1917)

8.04.170 Condemnation of unwholesome food.

The health officer, or his authorized agents, shall condemn any tainted, spoiled, unsound, or unwholesome meat offered for sale in the city, contrary to the provisions of this chapter, and he shall cause the same to be removed from the city or destroyed at the expense of the owner or person offering the same for sale.

(Ord. 169 § 4, 1917)

8.04.180 Protection of food from contamination.

It is unlawful for any person, firm, or corporation to hang, place, or expose any meat, or other articles of food intended for human consumption, in such manner that it will be subject to contamination from the floors or walls of the building where it is kept, or be exposed to flies, dirt, or other sources of contamination. No meat or other articles of food shall be placed on any counter, block, rack, or any other place without being properly screened or protected from dirt, flies, and other sources of contamination.

(Ord. 169 § 5, 1917)

8.04.190 Food preparation employee – Communicable disease prohibited.

It is unlawful for any person suffering from any communicable disease to work in any of the fish or meat markets, or in any place where fresh meat is stored or kept in the city; and it is unlawful for any person, firm, or corporation to have in employment in any such market or place any person known to be suffering with a communicable disease.

(Ord. 169 § 7, 1917)

8.04.200 Transportation of fresh meat.

No person shall transport any fresh meat from any slaughterhouse or from any other place in the city unless it is conveyed in a clean covered wagon and is wrapped in a clean white cloth.

(Ord. 169 § 6, 1917)

Chapter 8.05
NOISE

Sections:

8.05.010 Declaration of policy.
8.05.020 Unreasonable noise unlawful.
8.05.030 Closure of doors and restriction on outdoor activities.
8.05.040 Penalty.
8.05.050 Exceptions and waivers.

8.05.010 Declaration of policy.

It is hereby declared to be the policy of the city to minimize the exposure of citizens to the physiological and psychological dangers of excessive noise and to protect, promote and preserve the public health, safety and welfare. It is the express intent of the city to control the level of noise in a manner which promotes the use, value and enjoyment of property, sleep and repose; commerce; and the quality of the environment.

(Ord. 1611 § 1 (Exh. A), 2021)

8.05.020 Unreasonable noise unlawful.

A. *Violation.* It is unlawful for any person to cause or make, or for any person to allow to originate from the property in and under his or her possession, ownership or control, any loud or raucous noise which unreasonably disturbs or interferes with the peace, comfort, or repose of others. While the ordinance codified in this chapter is in effect twenty-four hours a day, every day, the level of acceptable noise is lower between the hours of ten p.m. and seven a.m.

B. *Definition.* "Person," as used in this chapter, means any natural person or persons, firm, corporation, partnership, association, business or any other legal or commercial entity.

C. *Factors to Be Considered.* In determining whether a noise is unreasonable under subsection (A) of this section, the following factors incident to such noise are to be considered: time of day; proximity to any residential structures, including proximity to dwelling units within the same or adjacent, multifamily structures or complexes; proximity to any school, church, hospital, nursing or convalescent facility, or human service facility; whether the noise is recurrent, intermittent or constant; the volume and intensity of the noise; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; whether the noise is typical of the routine normal operation of the type of business or industrial activity involved, giving consideration to the effects upon other allowed uses in the land use zone in which the business is located; whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

D. *Rebuttable Presumptions.* The following noise is presumed unreasonable under subsection (A) of this section:

1. Noise emanation from a residence that can be heard one hundred feet beyond the estimated property line at any time of the day, or fifty feet beyond the estimated property line between the hours of ten p.m. and seven a.m.

2. Noise emanating from a person, machinery, equipment or vehicle that can be heard two hundred feet away at any time of day or fifty feet away between the hours of ten p.m. and seven a.m.; provided, however, that sound from motor vehicle sound systems such as tape players, radios, and compact disc players operated at a volume so as to be audible greater than fifty feet from the vehicle itself shall also be presumed unreasonable at any time.

E. *Illustrative Enumeration.* The following sounds or combinations of sounds are illustrative of the types of sounds which may, upon application of the factors in subsection (C) of this section and/or the presumptions in subsection (D) of this section, constitute unreasonable noise under subsection (A) of this section. This enumeration of sounds or combinations of sounds shall not be construed as excluding other sounds and noises which offend the public peace, comfort, or repose of others:

1. Sounds made by an animal, except that such sounds made in animal shelters, commercial kennels, veterinary hospitals, pet shops or pet kennels licensed under this code shall be exempt from this subsection; provided, that notwithstanding any other provision of this chapter, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigation officer or if the animal is a repeated violator of this subsection, the animal may be impounded by an animal control officer or the investigating officer, subject to redemption in the manner provided by ordinance.

2. Sounds made by horn or siren, except such sounds that are made to warn of danger or that are specifically permitted or required by law.

3. Sounds made in connection with the starting, operation, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine.

4. Sounds created by the use of a musical instrument, or other device capable of producing sound when struck by an object, a whistle, sound amplifier, stereo, radio, compact disc player, television, motor vehicle audio system or other device capable of producing, amplifying, or reproducing sound.

5. Sounds made by the amplified or unamplified human voice, such as yelling, shouting, screaming and hooting.

6. Sounds made in connection with activities such as a band session, social gathering, tavern operation or liquor establishment, or commercial sales lot.

F. *Content Not to Be Considered.*

1. The content of any speech associated with a sound shall not be considered in determining a violation of this section.

2. Sounds emanating from church bells and/or religious PA systems shall not be considered in determining a violation of the section.

(Ord. 1611 § 1 (Exh. A), 2021)

8.05.030 Closure of doors and restriction on outdoor activities.

It is unlawful for any person who owns, operates or manages a commercial establishment that provides live or recorded music or electronic gaming or entertainment devices to patrons for purposes of dance or entertainment to fail or neglect to close their external doors, including all doors leading to open air patios and outdoor spaces of

the establishment, while such music is being provided between the hours of ten p.m. and seven a.m., and no such music, gaming or entertainment devices shall be allowed or used outside of the interior portion of said establishments during those hours.

(Ord. 1611 § 1 (Exh. A), 2021)

8.05.040 Penalty.

It shall be a civil infraction for any person to violate the provisions of this chapter. Any person who violates any provision of this chapter shall be assessed a penalty and default amount in an amount not to exceed two hundred fifty dollars, not including statutory assessments; provided, that the penalty and default amount for a second violation within any twelve-month period of time shall not exceed five hundred dollars, and the penalty amount for a third or subsequent violation within any twelve-month period shall not exceed one thousand dollars.

(Ord. 1611 § 1 (Exh. A), 2021)

8.05.050 Exceptions and waivers.

A. *Exceptions.* The provisions of this chapter shall not apply to:

1. Noise originating between the hours of seven a.m. and ten p.m. from regularly scheduled community events or associated with preparation for such events, such as sporting events, public concerts, parades, or public ceremonies, including regularly scheduled events approved by the city;

2. Normal construction activity between the hours of six a.m. and ten p.m.;

3. Special community events approved by majority vote of the city council;

4. Noise associated with street cleaning, emergency repair to any street, building or structure, fire suppression, law enforcement response or any other emergency activity designed to preserve life or property, undertaken by the United States, the state of Washington, the city, or any of their respective officers, employees or contractors;

5. Noise associated with snow removal;

6. Noise created by sources in industrial zones which over the previous years have consistently operated as a consequence of process and necessity or demonstrated routine normal operation;

7. Between the hours of seven a.m. and ten p.m., noise created by powered equipment used in temporary or periodic maintenance or repair of residential property, grounds and appurtenances, including but not limited to sounds from lawnmowers, snow removal equipment and powered hand tools.

B. *Approval of Waivers.*

1. The mayor and his/her designee may grant a waiver to an event or activity otherwise subject to the provisions of this chapter, upon approval of the request by the city administrator and the police chief. Notwithstanding the foregoing, the mayor or his/her designee may refer any waiver request to the city council at the next scheduled council meeting for consideration of whether it should be approved.

2. A request for a waiver must be submitted to the city administrator no later than thirty calendar days prior to the event for which the waiver is sought. In granting a waiver, the mayor or his/her designee, or city council, may prescribe reasonable conditions, including but not limited to limiting the times and location for which the waiver applies. The grant of any such waiver shall be specific to the location of the particular event or activity for which the waiver is granted, unless a broader geographic application of the waiver is identified by the city council.

(Ord. 1680 § 1, 2024; Ord. 1611 § 1 (Exh. A), 2021)

Chapter 8.08

GARBAGE COLLECTION[1]

Sections:

8.08.010 Definitions.
8.08.020 Uniform, mandatory and exclusive system.
8.08.030 City garbage supervisor.
8.08.040 Sanitary service fund.
8.08.050 Exclusive collection procedure.
8.08.060 Collection contracts – Continued.
8.08.061 Deposit at designated disposal site.
8.08.070 Collection contracts – Approval by city.
8.08.080 Collection contract – Corporate surety bond required.
8.08.090 Conclusive presumption of service.
8.08.100 Vacant property.
8.08.110 Frequency of collection.
8.08.120 Garbage cans – Required.
8.08.130 Types of cans – Maximum weight – Closure requirement.
8.08.140 Garbage cans – Accessible to collectors.
8.08.150 Garbage cans – Noncompliance tags.
8.08.160 Separation may be required.
8.08.170 Methods of disposal.
8.08.180 Animal carcasses.
8.08.190 Scattering or accumulating garbage or refuse prohibited.

8.08.200 Schedule of charges.
8.08.210 Payment of charges.
8.08.220 Collector of garbage charges.
8.08.230 Low income senior citizens – Reduced rates.
8.08.240 Liens for delinquent charges.
8.08.250 Inspection.
8.08.260 Penalty for violation.
8.08.270 Collection actions – Costs and legal fees.

1 Editor's note: Ord. 1307, adopted Feb. 24, 2009, amended chapter 8.08 in its entirety to read as herein set out. Former chapter 8.08, §§ 8.08.010 – 8.08.260, pertained to the same subject matter. See the Ordinance List and Disposition Table and the Code Comparative Table for full derivation.

8.08.010 Definitions.

Words used in this chapter in the present tense shall include the future tense; and in the future tense shall include the present tense; and in the singular shall include the plural; and in the plural shall include the singular; and in the masculine shall include the feminine gender.

"Ashes" means all waste products of coal, wood and other fuels used for heating and cooking.

"Curb or curbside" means on the homeowners' property, within five feet of the public street without blocking sidewalks, driveways or on-street parking. If extraordinary circumstances are determined by the city and the contractor to exist, curbside shall be considered a placement suitable to the resident, convenient and accessible to the contractor's equipment. This definition shall supersede another definition if reference to curb or curbside distance in CEMC 8.08.

"Garbage" means all putrescible wastes, vegetable and animal offal, carcasses of dead animals, all refuse and rubbish, ashes, swill, and nonputrescible wastes from all public and private establishments and residences; except sewage and body wastes; and industrial byproducts.

"Garbage can" means the contractor owned wheeled cart that is a plastic container with thirty-five, sixty-four, or ninety-six gallons of capacity; designed for and used with a hydraulic lifting mechanism; weighing not over fifty pounds per thirty-five gallons of capacity when full; fitted with a sturdy handle and a cover; be rodent and insect resistant; and be capable of holding collected liquids without spilling when in an upright position.

"Garbage collector" means the person authorized by contract with the city to collect, haul or dispose of garbage.

"Health officer" means the city health officer provided for in Chapter 70.05 of the Revised Code of Washington, or his authorized representatives.

"Hours of collection" means hours of garbage collection in the City of Cle Elum shall be authorized between 5:00 a.m. and 7:00 p.m. Any and all garbage cans must be in place and ready for pick up between these established hours on the scheduled day of collection.

"Person" means all persons, firms, partnerships, associations and corporations are included.

"Refuse and rubbish" means all putrescible and nonputrescible wastes including cans, boxes, cartons, bottles, paper, and similar waste matter, except ashes, from all public and private establishments and residences.

"Swill" means every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit, and vegetables.

(Ord. 1337 §§ 1, 3, 4, 2010; Ord. 1307 § 1, 2009)

8.08.020 Uniform, mandatory and exclusive system.

Protection of public health and sanitation requires a uniform, exclusive and mandatory system for collection, removal and disposal of all garbage within the corporate limits of the city, that the city have the exclusive and mandatory right to regulate, collect, remove and dispose of all such garbage, and that all persons residing or being within the corporate limits of the city shall use the system of garbage collection and abide by the regulations established.

(Ord. 1307 § 1, 2009)

8.08.030 City garbage supervisor.

A. The office of city garbage supervisor as created by Ordinance 412, is continued. The city garbage supervisor shall have supervision over the collection of garbage within the city, and over the city sanitary fills or such other means of garbage disposal as may be established by the city. He shall be subject to the supervision, control and regulations of the city council and the city health officer.

B. The city garbage supervisor shall be appointed by the mayor subject to confirmation by the council. Should the mayor and council fail to appoint a city garbage supervisor, or decide that a city garbage supervisor can be either temporarily or permanently dispensed with, the functions of the city garbage supervisor shall be performed by such person or persons as may be designated by the city council.

(Ord. 1307 § 1, 2009)

8.08.040 Sanitary service fund.

The city sanitary service fund created by Ordinance 412 is continued. Into this fund all sums collected under this chapter shall be deposited and kept by the treasurer of the city; and all expenses of the operation and administration of this chapter shall be paid from this fund.

(Ord. 1307 § 1, 2009)

8.08.050 Exclusive collection procedure.

The collection, removal and disposal of all garbage within the corporate limits of the city is performed exclusively by the city or its authorized garbage collector as provided for in this chapter, and no resident or person residing or being within the corporate limits of the city shall have the right to remove or dispose of garbage except by means of the facilities provided by the garbage collection and disposal system established by the city; provided, that in the case of isolated dwellings or premises located in sparsely settled portions of the city, or where reasonable access cannot be had by truck, garbage therefrom may, upon special permit of the city garbage supervisor, be collected, removed and disposed of in such manner as the supervisor approves and directs. Garbage shall not be disposed of on private premises by incineration.

It is unlawful for any person to bury, burn, dump, collect, remove, or in any other manner dispose of garbage otherwise than as provided in this chapter.

(Ord. 1307 § 1, 2009)

8.08.060 Collection contracts – Continued.

Any contract now in effect and heretofore entered into by the city for the collection, removal and disposal of garbage pursuant to Ordinance No. 412 shall continue in full force and effect according to the terms thereof and in accordance with the provisions of this chapter.

(Ord. 1307 § 1, 2009)

8.08.061 Deposit at designated disposal site.

All ashes, garbage, refuse, rubbish, and swill (all hereinafter designated as “solid waste”), collected pursuant to this chapter shall be deposited only at a disposal site to be designated by a Joint Solid Waste Management Plan of Kittitas County and the City of Cle Elum.

(Ord. 1307 § 1, 2009)

8.08.070 Collection contracts – Approval by city.

Ninety days prior to the termination of any existing contract, and any future contract, upon direction of the city council, specifications approved by the council for the collection, removal and disposal of garbage for a succeeding contract period, the term thereof to be determined by the city council, shall be prepared and the city shall advertise for bids for a contract covering the exclusive right to collect, remove and dispose of all garbage in the city. Calls for all such bids shall be published according to law, but not less than once each week during the two weeks prior to the time of opening bids. The council shall have the power to refuse any and all bids, or to award the contract to the person who in the discretion of the council submits the lowest bid and is best qualified and best equipped to perform the contract contemplated and render the service required.

(Ord. 1307 § 1, 2009)

8.08.080 Collection contract – Corporate surety bond required.

Before any such garbage contract described in the Sections 8.08.050 and 8.08.060 takes effect, the contractor shall execute and file with the city and keep in full force and effect during the entire term of the contract, a corporate surety bond approved as to form by the city attorney and as to surety by the city council of the city, in the sum of one hundred thousand dollars, conditioned that the contractor will faithfully perform the contract and pay all laborers, mechanics and materialmen, and all persons who supply the contractor with provisions, equipment and supplies for carrying on the contract work; conditioned further that the contractor will indemnify and save the city free and harmless from any and all loss, damages, claims, suits, judgments and recoveries of any kind in any way arising by reason of or out of the performance of the contract, and that the contractor will appear and defend any action instituted against the city arising by reason of or out of the performance of the contract.

(Ord. 1307 § 1, 2009)

8.08.090 Conclusive presumption of service.

It is conclusively presumed that garbage collection and disposal service shall have been and will be continuously rendered to each and every dwelling, building and premises and every other structure which may be used for dwelling, trade, manufacturing, or occupancy, situated within the corporate limits of the city.

(Ord. 1307 § 1, 2009)

8.08.100 Vacant property.

The owner of the real property in which any building, dwelling place or premises referred to in Section 8.08.090 are situated shall have the right to be relieved of the further payment of the garbage collection and disposal charges upon full and complete proof to the satisfaction of the city garbage supervisor that the building or

premises for which garbage collection charges are payable is vacant or unoccupied and have remained vacant and unoccupied for a continuous period of thirty days immediately preceding the application for such relief. In the event the charges for the collection and disposal of garbage from the premises or building are not payable during the period of the vacancy; provided, however, that the owner must notify the city garbage supervisor immediately upon the premises becoming reoccupied, and thereupon the charges shall be immediately resumed.

(Ord. 1307 § 1, 2009)

8.08.110 Frequency of collection.

The city garbage supervisor shall provide for the collection, removal and disposal of all garbage from all buildings and premises at least once each week, and shall provide for additional collection, removal and disposal of garbage therefrom more frequently if in his discretion additional collections are required to meet the needs of public health and sanitation.

(Ord. 1307 § 1, 2009)

8.08.120 Garbage cans – Required.

Every person in possession, charge or control of any dwelling, public or private building, or place of business, where garbage is created or accumulated, must at all times keep or cause to be kept garbage cans in a sufficient number to hold all garbage from such building or premises, and must deposit or cause to be deposited all garbage therefrom in the garbage cans.

(Ord. 1307 § 1, 2009)

8.08.130 Types of cans – Maximum weight – Closure requirement.

Garbage cans shall be as defined in Section 8.08.010 "Garbage can." No can shall be permitted to be filled beyond the point which the lid will not tightly close. Lids shall be kept tightly closed on cans at all times, except as necessary to place garbage into or remove garbage from the cans. Cans shall be kept in a sanitary condition and free from cracks and breaks. Outsides of cans shall be free from accumulated grease, dirt and garbage material. The maximum weight of each can and contents shall not exceed fifty pounds per thirty-five gallons of capacity.

(Ord. 1337 § 2, 2010; Ord. 1307 § 1, 2009)

8.08.140 Garbage cans – Accessible to collectors.

Garbage cans shall be kept in a place accessible to the garbage collector. Should winter conditions or other conditions make it impracticable for the garbage collector to drive his garbage truck through the alley or street to the rear of the premises, the garbage cans shall be kept at the front of the premises or at such other location indicated by the garbage supervisor or garbage collector during the period such adverse conditions persist.

(Ord. 1307 § 1, 2009)

8.08.150 Garbage cans – Noncompliance tags.

Each garbage can shall be kept clean inside and out, so that no odor nuisance shall exist. The garbage collector shall place tags on garbage cans found not to comply with this chapter, and notify the city garbage supervisor. The tag shall have a perforated stub, with identification number and place for location and description. However, placement of a tag shall not be prerequisite to prosecution for violation of this chapter.

(Ord. 1307 § 1, 2009)

8.08.160 Separation may be required.

The city reserves the right to require the separation of paper or swill or other component parts of garbage, and to require the deposit thereof in separate cans, and to prescribe the methods of disposal thereof.

(Ord. 1307 § 1, 2009)

8.08.170 Methods of disposal.

All disposal of garbage shall be by methods approved by the city health officer or garbage supervisor; provided, that such methods shall include the maximum practicable rodent, insect and nuisance control at the places of disposal; and provided further, that animal offal and carcasses of dead animals shall be buried or cremated as directed by the health officer or garbage supervisor, or shall be rendered at forty pounds per square inch steam pressure or higher, or by equivalent cooking.

(Ord. 1307 § 1, 2009)

8.08.180 Animal carcasses.

Every person in possession, charge or control of any dead animal or upon whose premises a dead animal may be located, must immediately cause the same to be removed and disposed of under the direction of the city garbage supervisor.

(Ord. 1307 § 1, 2009)

8.08.190 Scattering or accumulating garbage or refuse prohibited.

No person shall throw or deposit any garbage, refuse, or any offensive or obnoxious or unsightly article upon any lot, sidewalk, street, alley or public place within the city; and no person shall allow any such garbage, refuse, offensive or unsightly article or substance to accumulate upon any lot occupied by such person, or in the sidewalk, alley or street abutting thereon.

(Ord. 1307 § 1, 2009)

8.08.200 Schedule of charges.

From and after January 1, 2025, the following charges for collection, removal and disposal of garbage shall apply in the city:

A. *Residential Service.* Each residential customer will be charged at the rate of one can per week plus additional cans.

1. Residential single-family: one thirty-five-gallon cart pickup per week mandatory service.

    a. *Residential Rates.*

1 20-Gallon Cart	$20.77
1 35-Gallon Cart	$27.12
1 64-Gallon Cart	$38.04
1 96-Gallon Cart	$48.73
2 64-Gallon Cart	$72.81
1 20-Gallon Cart – Senior	$15.58
1 35-Gallon Cart – Senior	$20.32
1 64-Gallon Cart – Senior	$29.70
1 96-Gallon Cart – Senior	$36.30

b. *Miscellaneous Residential Rates.*

Extra Garbage (bags on top or next to garbage cart)	$7.72
Oversize/Overweight Units	$11.54/Unit
Drive-In Charge	$8.68
Carryouts per Cart > 5 ft. but < 25 ft.	$1.98
Carryouts per Cart > 25 ft. and each increment of 25 ft. thereafter	$1.52
Return Trips – Carts (per pickup)	$8.03
Cart Replacement (due to customer abuse/damage)	$112.01

2. For residential service more frequent than weekly, multiply the above rate by the number of times per week service is rendered.

B. *Nonresidential Service.*

1. *Commercial Rates.*

1 35-Gallon Cart	$40.77
1 64-Gallon Cart	$57.72
1 96-Gallon Cart	$84.94
2 64-Gallon Carts	$115.43

2. *Miscellaneous Service.*

Return Trips – Carts (per pickup)	$8.03
Carryouts per Cart (> 5 ft. but < 25 ft.)	$0.47
Carryouts per Cart (> 25 ft. and each increment of 25 ft. thereafter)	$0.50

Return Trips – Container (per pickup)	$18.71
Roll-Out Container (per pickup)	$4.52
Unlock Gate or Unlock Container (per month)	$24.43
Disconnect Hydraulics (per pickup)	$30.89
Bear-Proof Cans, 96-Gallon	$57.68
Recycling 96-Gallon Cart (2x monthly service)	$16.33

3. *Commercial Container (Weekly Pickup Service).*

1.5-yard	$212.30
2-yard	$287.75
3-yard	$424.19
4-yard	$530.30
6-yard	$735.42
8-yard	$928.92
Extra Garbage (loose or over-filled)	$43.24

If the customer requires the frequency of collection to be greater than once per week, the rates shown above will be multiplied by the number of times per week that the container is emptied.

4. *Roll-Off Rates Permanent/Temporary Daily Rent.*

20-yard	$6.11
30-yard	$9.09

These rates include a tonnage rate as established by Kittitas County.

5. *Roll-Off Rates Permanent/Temporary Monthly Rent.*

20-yard	$182.84
30-yard	$272.31

These rates include a tonnage rate as established by Kittitas County.

6. *Rate per Haul.*

20-yard	$325.06
30-yard	$325.06

C. *Late Charges.* In addition to the charges set forth, if any bill for garbage is not paid within thirty days of billing date, there shall be a late charge assessed and collected by the city clerk in the amount of five dollars per month.

D. *Service Charge.* For every new account set up or account transfer, there shall be a service charge of thirty dollars.

E. In addition to the charges set forth, the city may increase the rates and charges for collection, removal, and disposal of garbage on December 31, 2025, and every December 31st thereafter at a rate equal to increases imposed by Waste Management, or three percent, whichever is more, per year.

(Ord. 1685 § 1, 2024; Ord. 1660 § 1, 2023; Ord. 1637 § 1, 2022; Ord. 1625 § 1, 2021; Ord. 1598 § 1, 2020; Ord. 1574 § 1, 2019; Ord. 1514 § 1, 2018; Ord. 1482 § 1, 2017; Ord. 1481 § 1, 2018; Ord. 1459 § 1, 2016; Ord. 1432 § 1, 2015; Ord. 1419 § 1, 2014; Ord. 1378 § 1, 2012; Ord. 1331 § 1, 2010; Ord. 1307 § 1, 2009)

8.08.210 Payment of charges.

All charges for garbage collection and disposal shall be paid by the owners, operators and/or occupants of the premises from which garbage is collected. The charges shall be paid to the city at the office of the city clerk, according to the schedule of charges fixed and determined by the city. All charges for garbage collection services rendered during the preceding month are paid by the person liable therefor on or before the fifth day of each calendar month.

(Ord. 1307 § 1, 2009)

8.08.220 Collector of garbage charges.

In addition to his other duties, the utility clerk of the city shall receive, collect and account for all garbage collection and disposal charges and accounts due the city.

(Ord. 1307 § 1, 2009)

8.08.230 Low income senior citizens – Reduced rates.

Low income senior citizens (being a person sixty-two years of age or older and whose total income, including that of his or her spouse or cotenant, does not exceed the amount specified in RCW 84.36.381(5)(b), as now or

hereafter amended) shall upon application be entitled to a reduced rate for garbage collection at the rates set forth in Section 8.08.210(A)(2) above.

(Ord. 1307 § 1, 2009)

8.08.240 Liens for delinquent charges.

The charges for garbage collection and disposal shall become delinquent after the fifth day of the calendar month following the month in which the services were rendered, and the amount thereof shall constitute a lien against the real property for which the garbage collection and disposal service is rendered from and after the date of filing of notice of lien as provided for by law. The city garbage supervisor shall execute and file the notice of such lien and it shall become effective in the manner provided by the laws of the state.

(Ord. 1307 § 1, 2009)

8.08.250 Inspection.

For the purpose of enforcing this chapter, the city health officer, the city garbage supervisor, and the city police officer shall have the right to enter any premises or any building within the city at any reasonable hour of the day to inspect the same.

(Ord. 1307 § 1, 2009)

8.08.260 Penalty for violation.

Any person convicted of violating any of the provisions of this chapter shall be fined in any sum not exceeding five hundred dollars.

(Ord. 1307 § 1, 2009)

8.08.270 Collection actions – Costs and legal fees.

In addition to recording a lien for delinquent charges as authorized by this chapter, the mayor may institute a collection lawsuit in any court of competent jurisdiction. In any such action, the city shall be entitled to recover from the party or parties responsible for the delinquent charges any and all costs of suit, including its reasonable attorney fees and expert witness fees.

(Ord. 1334 § 1, 2010)

Chapter 8.12
NUISANCES

Sections:

8.12.010 Designated.
8.12.020 Loud noises prohibited.
8.12.030 Violation – Unlawful.
8.12.040 Responsibility for premises.
8.12.050 Responsibility of successive owner.
8.12.060 Chapter not exclusive.
8.12.070 Violation – Penalty.
8.12.080 Violation – Abatement.
8.12.090 Violation – Bond.

8.12.010 Designated.

The following acts and things are declared to be nuisances in the city:

A. Debris, rubbish, materials or other items resulting or accumulating from the alteration, construction, repair or demolition of any building or structure, being or remaining in public view in an unsightly or disorderly condition for any period exceeding thirty days;

B. Old, dilapidated or caved-in buildings or structures, junk, or other things which are allowed to remain upon or are placed or maintained on any property or premises where they are open to public view and are unsightly to such extent that they are unreasonably disagreeable and offensive to the view of the ordinary and reasonable public and detract from the appearance of the locality, taking into consideration the location of the premises and all the circumstances of each particular case;

C. Any thing or condition built, placed, maintained or allowed to remain on any premises and which, in the opinion of the chief of the fire department or of his assistant chief in charge in his absence, constitutes an undue fire hazard and which is maintained or allowed to remain on such premises beyond a reasonable time after either oral or written notice from the fire chief or his assistant chief or any city police officer of the existence of the fire hazard is given to the owner, occupant, or person in charge of premises, the notice to specify the reasonable time for removal of the fire hazard;

D. Any condition which causes to be freed or released any offensive or annoying odor, smoke, stench or smell which annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;

E. Any loud or irritating noises caused or made at unreasonable times and places, the question of reasonableness to be determined in view of all the circumstances;

F. Interference with the use of or anything obstructing all or any part of any street, alley, avenue, commons, public highway, private way or the entrance to any public building, structure or property. Also, erecting or placing or causing to be erected or placed thereon any obstruction, structure, refuse, snow, water or other impediment or thing which interferes with the use of or obstructs or impedes such places;

G. Any business for which a city license is required or city tax is to be paid, which is operated without obtaining such license or paying such tax;

H. Any act or the failure to perform any duty, which act or omission (1) annoys, injures, or endangers the safety, health, comfort or repose of any considerable number of persons; or (2) offends public decency; or (3) unlawfully interferes with, befouls, obstructs, or tends to obstruct, or renders dangerous for passage any public park, square, street, alley, highway or public place; or (4) in any way renders a considerable number of persons insecure in life or the use of property;

I. Any place wherein and any act whereby any gambling, swindling game or device, bookmaking, pool selling, or bucket shop, or any agency therefor, is conducted, or any article, apparatus, or device useful therefor is kept;

J. A house of prostitution or any act of prostitution;

K. Illegal sale or possession of liquors or narcotics;

L. Any engine, motor or other machine or device which unduly interferes with radio, telephone or television reception to the annoyance or injury of the public;

M. Slums, blighted areas, and dilapidated or unsafe buildings;

N. Filthy and unsanitary buildings, structures or places;

O. Stagnant water, sewage, or other stagnant liquids which are allowed to stand or accumulate and are filthy or unsanitary or provide breeding places for mosquitoes and other insects;

P. Things offensive to public morals, decency, peace and order;

Q. Any liquid, solid or snow unlawfully allowed or caused to overflow or be deposited on lands or properties of the city or of the public;

R. Unsafe or insecure awnings, signs or other structures or trees and plants which overhang a street, sidewalk or other public place and which present a hazard to the public;

S. Storage of, or carrying on the business of manufacturing, gunpowder, nitroglycerin, or other highly explosive substance, or mixing or grinding the materials therefor, in any building within fifty rods of any valuable building erected at the time such business or storage may be commenced;

T. Slaughterhouses and stockyards;

U. Unmuzzled dogs or dogs without a city license running at large, or any bitch in heat running at large. If any dog or other animal attacks viciously, bites or viciously injures or attempts to injure any person without provocation, such animal may be summarily shot by any police officer witnessing such incident;

V. Snow, ice or water dripping or sliding or shoveled or moved from any roof or elevated place onto a street, alley, sidewalk or any other public place or city property. Such conditions shall be summarily abated at the wrongdoer's expense by any city officer or employee upon failure of the wrongdoer to abate it immediately;

X. Knowingly doing any act which interferes with or impedes the carrying out and performance of city functions and business or the performance of the lawful duties of city policemen, firemen, employees and officials; or damaging or destroying city property;

Y. The practice of going in and upon private residences in the city, by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise not having been requested or invited so to do by the owner or owners, occupants or occupants of the private residences for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or disposing of and/or peddling or hawking the same; provided, it is lawful for any farmer, gardener, or other person, without license, to sell, deliver, or peddle, any fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats, or any farm produce or edibles raised, caught, produced, or manufactured by such person, as provided by the Revised Code of Washington, Section 36.71.090;

Z. For an owner or occupier or person in charge of land, knowing of the existence of a wall, septic tank, cesspool, or other hole or excavation ten inches or more in width at the top and four feet or more in depth, to fail to cover, fence or fill the same, or provide other proper and adequate safeguards; provided, that this subsection shall not apply to a hole one hundred square feet or more in area or one that is open, apparent, and obvious.

(Ord. 517 § 1, 1956)

8.12.020 Loud noises prohibited.

No person or organization shall shout, make any outcry, blow a horn, ring a bell, or use any sound device, including any loudspeaking radio or sound amplifying system, upon any of the streets, alleys, parks, or other public places of the city for the purpose of attracting attention to any goods, wares or merchandise proposed to be sold. No person or organization shall have exclusive right to any location in any public street or place, nor be permitted a stationary location thereon, nor be permitted to operate in the congested area where such operation might impede or inconvenience the public. For the purpose of this chapter, the judgment of a city police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. Any violation of this section of this chapter is declared to be a nuisance.

(Ord. 517 § 2, 1956)

8.12.030 Violation – Unlawful.

All nuisances as set forth in this chapter, and all acts perpetrating, maintaining, aiding and abetting such nuisance are declared to be unlawful, and are prohibited in the city and are subject to the penalties prescribed in this chapter.

(Ord. 517 § 3, 1956)

8.12.040 Responsibility for premises.

Every person who occupies or has the care, government, management or control of any building, structure, animal, thing or place mentioned in this chapter, for the purposes of this chapter, is taken and deemed to be the owner or agent of the owner or owners thereof, and, as such, may be proceeded against for erecting, contriving, causing, continuing, allowing or maintaining any nuisance which is caused by or located upon the same.

(Ord. 517 § 4, 1956)

8.12.050 Responsibility of successive owner.

Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property, caused by a former owner, is liable therefor in the same manner as the one who first created it.

(Ord. 517 § 5, 1956)

8.12.060 Chapter not exclusive.

Any act, omission or thing declared to be a nuisance by any other chapter of the city heretofore or hereafter enacted, is declared to be a nuisance, it being the intention of the city council not to make the list of nuisances set forth in this chapter an exclusive list.

(Ord. 517 § 6, 1956)

8.12.070 Violation – Penalty.

Whoever is convicted of erecting, causing, maintaining, contriving or carrying on a nuisance in the city, as described in this chapter, or of aiding or abetting the same, shall be punished by a fine not exceeding three hundred dollars or imprisoned for not more than ninety days, or both fined and imprisoned; and the city police judge, with or without such fine or imprisonment, may order the nuisance to be abated, and issue a warrant as provided in this chapter.

(Ord. 517 § 7, 1956)

8.12.080 Violation – Abatement.

When any person is adjudged guilty of erecting, causing, maintaining, contriving or carrying on a nuisance, the city police judge may, in addition to the fine or imprisonment, if any is imposed, order that the nuisance be abated or removed, at the expense of the defendant, and after inquiry into and estimating, as nearly as may be, the sum necessary to defray the expense of the abatement, the police judge may issue a warrant therefor.

(Ord. 517 § 8, 1956)

8.12.090 Violation – Bond.

Instead of issuing such warrant, the city police judge may order the issuance thereof stayed upon motion of the defendant, and upon the defendant's entering into a bond to the city in such sum and with such surety as the police judge may direct, conditioned either that the defendant will discontinue the nuisance, or that within a time limited by the police judge, and not exceeding six months, he will cause it to be abated or removed, as either is directed by the judge, and upon his default to perform the condition of his bond, it shall be forfeited, and the police judge, upon being satisfied of the default, may order the warrant forthwith to issue, and issue a rule to show cause why judgment should not be entered against the sureties on the bond. The expense of abating a nuisance by virtue of a warrant shall be collected in accordance with procedure similar to that prescribed in Section 7.48.280 of the Revised Code of Washington.

(Ord. 517 § 9, 1956)

Chapter 8.13
FALSE ALARMS

Sections:

8.13.010 Purpose.
8.13.020 False alarms.
8.13.030 Recovery of costs.

8.13.010 Purpose.

The purpose of this Chapter 8.13, is to treat false alarms separately from nuisances as defined and regulated in Chapter 8.12. False alarms not caused by attempted break-ins or fire occurring on building premises not only

divert police from patrol and service duties, but cost the city thousands of dollars each year from officer time spent in investigating alarms. To recoup these costs, it is necessary for the city to recover its costs associated with these responses. It is a defense to any fee charged by the city that evidence existed of forced entry or an attempted break in. The owner and/or tenant responsible for use and occupancy of the premises shall report any such evidence to the city police department in a signed written report.

(Ord. 1053 § 1, 1997)

8.13.020 False alarms.

There may be charged for an emergency personnel response to a false fire, burglary and/or robbery alarm fees, the following:

A. For a fourth response to premises within three months after the first response and for each succeeding response within a three-month period, fifty and no dollars ($50.00).

(Ord. 1063 § 1, 1997; Ord. 1053 § 1, 1997)

8.13.030 Recovery of costs.

The city clerk shall bill the owner of the premises and any known lessee or tenant at the last known address by first class mail. Should these fees not be duly paid within one month of mailing, the city may cause a lien to be filed against the real property in question and foreclosed at law in the same manner as unpaid utility services or unpaid taxes.

(Ord. 1053 § 1, 1997)

Chapter 8.16
JUNK VEHICLES AND HULKS

Sections:

8.16.010 Purpose.
8.16.020 Definitions.
8.16.030 Public nuisance declared.
8.16.035 Inoperable vehicles as a nuisance.
8.16.040 Exemptions.
8.16.050 Abatement of junk vehicles on private property.
8.16.060 Disposal by city.

8.16.070 Warrants for entry.
8.16.080 Lien.
8.16.090 Additional enforcement procedure.
8.16.100 Constitutionality or invalidity.
8.16.110 Severability.

8.16.010 Purpose.

The purpose of this chapter is to preserve the character and safety of the city's neighborhoods by eliminating as nuisances, junk vehicles from private property, and to provide procedures for the removal of junk vehicles as authorized by RCW 46.55.

(Ord. 1199, 2003)

8.16.020 Definitions.

For the purposes of this chapter, the following words shall have the following meaning:

A. "Director" means the director of the department in charge of code enforcement or his or her designee or any designated alternate who is empowered by ordinance or by the mayor to enforce this chapter including assigned code enforcement official(s).

B. "Junk vehicle" means a vehicle meeting at least three of the following requirements (RCW 46.55.010(4)):

1. Is three years old or older;

2. Is extensively damaged, such damage including, but not limited to, any of the following: a broken window or windshield or missing wheels, tires, motor or transmission;

3. Is apparently inoperable;

4. Has an approximate fair market value equal only to the approximate value of the scrap in it.

C. "Landowner" means an owner of private property, or a person in possession or control of private property.

D. RCW 46.44.010 is hereby adopted by reference, as now or hereafter amended, and all other statues adopted by reference therein as if fully set forth herein. The definitions contained in RCW 46.55.010 shall apply to the interpretation and enforcement of this chapter.

(Ord. 1199, 2003)

8.16.030 Public nuisance declared.

All junk vehicles certified as such by a law enforcement officer or code enforcement officer designated by the director according to RCW 46.55.230 and found on private property are declared to constitute a public nuisance subject to removal, impoundment and disposal. It is unlawful for any individual, firm, entity or corporation to allow, cause to allow or place a junk vehicle on any premises.

(Ord. 1199, 2003)

8.16.035 Inoperable vehicles as a nuisance.

A. "Inoperable motorized vehicle" means any car, truck, van, recreational vehicle, motorcycle, snowmobile or other vehicle typically powered by an engine, excepting watercraft, that has been in a stationary position for more than fourteen calendar days, is apparently inoperable or requires repairs in order to be operable, or is unable to move a distance of twenty feet under its own power on a flat surface.

B. "Inoperable motorized vehicle" may include vehicles that do not meet the definition of junk vehicle. An inoperable motorized will be considered a public nuisance unless contained entirely within an enclosed building. It is provided however, that an inoperable motorized vehicle may be allowed in residential property, outside of an enclosed building, if it is stored in the rear yard of the property and is screened from the neighboring properties and any street by a one hundred percent sight obscuring fence.

(Ord. 1199, 2003)

8.16.040 Exemptions.

The provisions of this chapter shall not apply to:

A. Any vehicles or parts thereof which are completely enclosed within a building in a lawful manner where they are not visible from the street or other public or private property; or

B. Any vehicles or parts thereof which are stored or parked in a lawful manner on private property in connection with the business of a licensed commercial towing yard, automobile repair facilities, outdoor storage or wrecking yards, licensed dismantler or licensed vehicle dealer and which are fenced according to the provisions of RCW 46.80.130.

(Ord. 1199, 2003)

8.16.050 Abatement of junk vehicles on private property.

A. *Voluntary Correction.* Whenever the code enforcement official or a City of Cle Elum law enforcement officer determines that a vehicle is a public nuisance and in violation of this chapter, an attempt shall be made, in accordance with the CEMC Code enforcement chapter as adopted and hereafter codified, including amendments thereto, to secure voluntary correction from the landowner and the vehicle's registered owner.

B. *Enforcement of Civil Violations.* If the code enforcement official or City of Cle Elum law enforcement officer does not obtain voluntary correction of the public nuisance within thirty days, the officer may issue a notice of infraction to the landowner of record and/or the vehicles last registered owner of record, which shall be filed with the Cle Elum municipal court and processed in accordance with appropriate rules and procedures. Alternatively, the code enforcement official or City of Cle Elum law enforcement officer may issue a civil violation to the landowner of record and the vehicle's last registered owner of record, in accordance with the procedures set forth below.

C. *Content.* For violations of this chapter, the notice of civil violation shall contain the following information:

1. The name and address of the landowner of record upon whose property the vehicle is located;

2. The name and address of the vehicle's last registered owner of record provided license or vehicle identification numbers are available;

3. The vehicle description including: the license plate number and/or the vehicle identification number, the model year, the make, and the factors which render the vehicle a public nuisance;

4. The street address of a description sufficient for identification of the property where the vehicle is located;

5. The required corrective action and a date and time by which the correction must be completed;

6. The procedures and hearing process and procedures for other enforcement action shall be conducted in accordance with the CEMC Code enforcement chapter as adopted and hereafter codified, including amendments thereto, or as otherwise provided in applicable codes, rules and regulations.

(Ord. 1199, 2003)

8.16.060 Disposal by city.

In the event that the registered owner, record landowner, occupant, or any other person fails to request a hearing, or in the event that any person fails to comply with an order of abatement issued under this chapter, within the time allowed, then the city may arrange for removal and disposal of the junk vehicle. The costs of such removal and disposal shall be assessed against the last registered owner of the junk vehicle, if known, the occupant of the property upon which the junk vehicle is located, unless such occupant is found not responsible for such costs under the provisions of this chapter, and the record owner of the land upon which the junk vehicle is located, unless such landowner is found not responsible for such costs under 8.16.050 CEMC.

(Ord. 1199, 2003)

8.16.070 Warrants for entry.

Whenever it is necessary to enter upon private property to remove the junk vehicles pursuant to ordinance, ruling or holding by the municipal court, any authorized official of the city may apply to the Cle Elum Municipal Court for a warrant authorizing the entry upon such property to carry out the same, if permission to enter has been refused by the owner, or if the owner cannot be found or reasonably ascertained. The application for the warrant shall be supported by an affidavit or the testimony of the officer or any other authorized city official intending to enter upon the property stating his office, purpose and authority to so enter; the owner's refusal to permit such entry or the owner's unavailability; the work, action or other activity to be conducted on the property; and by whom and the approximate time that the activity will be conducted. If the court finds that just cause exists for the issuance of the warrant, it shall subscribe the same with a return date of not more than ten days following completion of the action or activity to be conducted upon the property.

(Ord. 1199, 2003)

8.16.080 Lien.

The city shall within thirty days after the removal by the chief of police of an abandoned, wrecked, dismantled or inoperative vehicle from real property, file for recording with the county auditor a claim of lien for the cost of removal which shall be substantially in accordance with the previsions covering mechanic's liens in Chapter 60.04 RCW, and said liens shall be foreclosed in the same manner as such liens.

(Ord. 1199, 2003)

8.16.090 Additional enforcement procedure.

The provisions of this chapter are additional to other enforcement provisions authorized by state statute and city ordinance, and are additional to any other remedy available to the city for damages it has suffered.

(Ord. 1199, 2003)

8.16.100 Constitutionality or invalidity.

If any section, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of the sections, subsections, clauses or phrases. It is hereby expressly declared that each section, subsection, sentence,

clause and phrase hereof would have been prepared, proposed, adopted and approved and ratified irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared invalid or unconstitutional.

(Ord. 1199, 2003)

8.16.110 Severability.

If any portion of the codes referenced in this chapter is held invalid or unenforceable, the remainder shall be valid.

(Ord. 1199, 2003)

Chapter 8.20
JUNKYARDS

Sections:

8.20.010 Legislative declaration.
8.20.020 Definitions.
8.20.030 Screening – Building permit required.
8.20.040 Screening – Required when.
8.20.050 Other laws not affected.
8.20.060 Violations – Penalty – Abatement as public nuisance.

8.20.010 Legislative declaration.

For the purpose of promoting the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investment in public streets and highways, and to preserve and enhance the scenic beauty of lands bordering public streets and highways, it is declared to be in the public interest to regulate and restrict the establishment, operation and maintenance of junkyards in areas adjacent to the streets and highways within the city. The city council finds and declares that junkyards which do not conform to the requirements of this chapter are public nuisances.

(Ord. 694 § 1, 1975)

8.20.020 Definitions.

When used in this chapter, the term:

A. "Automobile graveyards" means any establishment or place of business which is maintained, used, or operated by storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

B. "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, iron, steel, old or scrap ferrous or nonferrous materials, or junked, dismantled or wrecked automobiles or vehicles.

C. "Junkyards" means an establishment, public or private yards, or place of business, which is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard.

(Ord. 694 § 2, 1975)

8.20.030 Screening – Building permit required.

Before construction of a fence or other appropriate means of screening, application to the city and the issuance of a building permit is required in the same manner and form as other applications for building permits under the city building code.

(Ord. 694 § 5, 1975)

8.20.040 Screening – Required when.

No person shall establish, operate, or maintain a junkyard in the city, any portion of which is within one hundred fifty feet of the nearest edge of the right-of-way of any street or highway in the city, unless it is screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the traveled portion of such street or highway.

(Ord. 694 § 3, 1975)

8.20.050 Other laws not affected.

Nothing in this chapter is construed to permit the establishment, operation or maintenance of any junkyard that is otherwise prohibited by state or federal law or by resolution or ordinance of Kittitas County or the city, nor to abrogate or affect the lawful provisions of any statute, chapter, regulation or resolution which is more restrictive than the provisions of this chapter.

(Ord. 694 § 4, 1975)

8.20.060 Violations – Penalty – Abatement as public nuisance.

Any person, firm or corporation violating this chapter is guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed two hundred fifty dollars, or imprisoned for not more than thirty days, or both so fined and imprisoned. Each day a junkyard is maintained in a manner not in compliance with this chapter shall constitute a separate offense. In addition, if any person, firm or corporation maintains a public nuisance in violation of this chapter such nuisance may be abated in the manner provided by law.

(Ord. 694 § 6, 1975)

Chapter 8.24
FIRE PREVENTION

Sections:

Article I. Regulations

8.24.010 Definitions.
8.24.020 Fire season.
8.24.030 Uncontained open fire permit – Required.
8.24.040 Uncontained open fire permit – Conditions.
8.24.050 Permit revocation authorized.
8.24.060 Fire chief duties.
8.24.070 Stove or furnace approval.
8.24.080 Contained open fires – Inspection.
8.24.090 Open fires – Permit required.
8.24.100 Open fires – Supervision.
8.24.110 Appeal.
8.24.120 Violation – Penalty.

Article II. Inspection of Premises

8.24.130 Required.
8.24.140 Flammable materials – Order to remove.
8.24.150 Service of removal order.
8.24.160 Appeal of removal order.
8.24.170 Violation – Penalty.

Article I. Regulations

8.24.010 Definitions.

Open fires are defined as fires started or maintained outside of buildings or structures. Contained open fires are fires contained within a trash burner, fireplace or barbecue pit, and all other open fires not so contained are designated as uncontained open fires.

(Ord. 514 § 2, 1955)

8.24.020 Fire season.

The fire season in the city is defined as that period in the spring, summer and fall months during which fires are deemed to be extra hazardous. The beginning date of the fire season each year shall be set by the city council, after considering the fire chief's recommendation. Notice of commencement of the fire season shall be published in one issue of the official city newspaper, at least two days before the fire season starts. The ending date of the fire season each year shall be similarly determined and notice thereof similarly published.

(Ord. 514 § 3, 1955)

8.24.030 Uncontained open fire permit – Required.

It is unlawful to start or maintain an uncontained open fire in the city during the fire season unless a permit for such fire has first been issued by the fire chief; provided, that under no conditions shall any uncontained open fire be started or maintained at any time within the fire limits of the city. No fire shall be started or maintained and no burning shall be done at any time within any building or structure undergoing construction, demolition, or structural repair or alteration, if the building or structure or any part thereof is made of or contains wood, paper or any other combustible material, unless a fire permit therefor has first been issued by the fire chief.

(Ord. 514 § 5, 1955)

8.24.040 Uncontained open fire permit – Conditions.

Any or all fire permits issued under Section 8.24.030 may be issued subject to the condition that no fire shall be started or maintained and no burning shall be done without the presence of and the direct supervision of the fire chief and/or some member or members of the fire department specifically designated by the fire chief, if in the opinion of the fire chief such immediate supervision is reasonably necessary under the conditions prevailing. If a permit is issued subject to such condition, the permittee shall pay the fire chief and/or other members of the fire

department attending at the fire at the hourly rate of pay then prevailing for special policemen in the police department.

(Ord. 514 § 5, 1955)

8.24.050 Permit revocation authorized.

Any or all fire permits heretofore or hereafter issued may be revoked at any time by the fire chief at his discretion, if in his opinion a fire hazard exists.

(Ord. 514 § 6, 1955)

8.24.060 Fire chief duties.

Notwithstanding any contrary provisions of all other ordinances of the city, pertaining to the prevention or regulation of fires, all inspections to be made in the city for fire prevention, control or regulation, and all fire permits issued in the city shall be made and issued by the fire chief.

(Ord. 514 § 7, 1955)

8.24.070 Stove or furnace approval.

No fire shall be started or maintained and no burning shall be done at any time in any building or structure in the city, except in an approved type stove or furnace, approved by a fire underwriters organization having national or state recognition, or by the chief of the fire department, hereinafter referred to as the fire chief. In absence of the fire chief, his duties and functions under this chapter shall be performed by the first assistant fire chief; and in absence of the latter, by the second assistant fire chief.

(Ord. 514 § 1, 1955)

8.24.080 Contained open fires – Inspection.

It is unlawful to start or maintain a contained open fire in the city during the fire season unless the trash burner, fireplace or barbecue pit containing the fire has prior thereto been inspected and approved by the fire chief, and a permit therefor issued by the fire chief. Such permits shall remain in force until revoked, provided the fire container is maintained in the same condition which existed at the time of such inspection.

(Ord. 514 § 4, 1955)

8.24.090 Open fires – Permit required.

Under no conditions shall any contained or uncontained open fire be started or maintained at any time within the fire zone of the city unless a fire permit first has been obtained therefor.

(Ord. 519 § 1, 1956; Ord. 514 § 11, 1955)

8.24.100 Open fires – Supervision.

At any time, either during the fire season or without the fire season the fire chief may prohibit the setting or continuing of any open fire either contained or uncontained, anywhere in the city, or the fire chief may prohibit such fire unless it is supervised as provided in Section 8.24.040, if in his opinion the fire may be unduly hazardous to persons or property.

(Ord. 519 § 1, 1956; Ord. 514 § 12, 1955)

8.24.110 Appeal.

Anyone aggrieved by any decision or action of the fire chief or the fire department may appeal to the city council for relief. Such appeals shall be heard and determined as expeditiously as possible, and the decision of the city council shall govern the matter.

(Ord. 514 § 8, 1955)

8.24.120 Violation – Penalty.

Any person, firm, organization or corporation who violates or fails to comply with any of the provisions of this article shall upon conviction thereof be fined in any sum not to exceed three hundred dollars, or imprisoned for a period of not more than thirty days, or both fined and imprisoned as provided in this section. Each violation shall be deemed a separate offense.

(Ord. 514 § 9, 1955)

Article II. Inspection of Premises

8.24.130 Required.

It is the duty of the chief of the fire department to inspect or cause to be inspected by fire department officers or members, as often as may be necessary, but not less than twice a year in outlying districts and four times a year in the closely built portions of the city, all buildings, premises, and public thoroughfares, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any ordinance of the city affecting the fire hazard. In private dwellings such inspections shall be restricted to basements and cellars.

(Ord. 240 § 1, 1926)

8.24.140 Flammable materials – Order to remove.

Whenever any officer or member finds in any building, or upon any premises or other place, combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or any other highly flammable materials especially liable to fire, and which is so situated as to endanger property, or finds obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the fire department, or egress of occupants, in case of fire, he shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of the premises or buildings, subject to appeal within twenty-four hours to the mayor, who shall within ten days review the order and file his decision thereon, and unless the order is revoked or modified it shall remain in full force and be obeyed by the owner or occupant.

(Ord. 240 § 1, 1926)

8.24.150 Service of removal order.

The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of same to the occupant personally or by delivering it to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises. Whenever it may be necessary to serve such an order upon the owner of premises, the order may be served either by delivering to and leaving with the person a true copy of the order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing the copy to the owner's last known post office address.

(Ord. 240 § 1, 1926)

8.24.160 Appeal of removal order.

Any owner or occupant failing to comply with such order within ten days after the appeal has been determined, or if no appeal is taken, then within ten days after the service of the order, shall be liable to a penalty as stated in Section 8.24.170.

(Ord. 240 § 1, 1926)

8.24.170 Violation – Penalty.

Any person or persons, firms or corporation violating any of the provisions of this article or any of its sections, shall, upon conviction, forfeit and pay a fine of not more than twenty-five dollars for each offense, and not more than twenty dollars for every day thereafter so long as the violation exists, and a fine of not more than one hundred dollars for subsequent violations.

(Ord. 240 § 2, 1926)

Chapter 8.28
FIREWORKS[2]

Sections:

8.28.010 Definitions.
8.28.020 Sale of fireworks.
8.28.030 Permit required for public display of fireworks.
8.28.040 Discharge of fireworks prohibited.
8.28.050 Permit fee.
8.28.060 Issuance – Nontransferable – Voiding.
8.28.070 Application for public display permit.
8.28.080 Standards for public fireworks displays.
8.28.090 Inspection.
8.28.100 Applicability.
8.28.110 Chapter implements state law.
8.28.120 Enforcement.
8.28.130 Penalty for violations.
8.28.140 Sale of fireworks – Requirements.

2 Editor's note: Ord. 1416, § 1, adopted September 23, 2014, repealed Ch. 8.28, §§ 8.28.010 – 8.28.140 in its entirety. Said section also enacted a new Ch. 8.28, §§ 8.28.010 – 8.28.130 to read as herein set out. Former Ch.

8.28 pertained to similar subject matter and derived from Ord. 578, §§ 1 – 11, 1962; Ord. 1007, §§ 1 – 5, 1994; Ord. 1369, § 1, 6-12-2012.

8.28.010 Definitions.

The definitions of Chapter 70.77 RCW as now set forth or as may subsequently be amended shall govern the construction of this chapter, when applicable, and are hereby adopted by this reference.

(Ord. 1416 § 1, 2014)

8.28.020 Sale of fireworks.

It is legal to sell and purchase fireworks within the city from twelve noon to eleven p.m. on the twenty-eighth of June, from nine a.m. to eleven p.m. on each day from the twenty-ninth of June through July 4th, from nine a.m. to nine p.m. on the fifth of July, from twelve noon to eleven p.m. on each day from the twenty-seventh of December through the thirty-first of December of each year, and as provided in RCW 70.77.311.

(Ord. 1599 § 1, 2020; Ord. 1416 § 1, 2014)

8.28.030 Permit required for public display of fireworks.

It is unlawful for any person to hold, conduct, or engage in any public display of fireworks within the city without first having obtained and being the holder of a valid permit under the provisions of this chapter.

(Ord. 1416 § 1, 2014)

8.28.040 Discharge of fireworks prohibited.

Except as authorized by a state license and city permit granted pursuant to RCW 70.77.260(2) (application for permit), RCW 70.77.280 (public display permit) or RCW 70.77.311(2) (use by individual or group for religious or other specified purpose on approved date and at approved location), no person shall ignite, explode, or discharge fireworks within the city.

(Ord. 1599 § 2, 2020; Ord. 1416 § 1, 2014)

8.28.050 Permit fee.

The annual fee for a public display permit for the public display of fireworks shall be as set forth by resolution of the city council.

(Ord. 1519 § 1, 2019; Ord. 1416 § 1, 2014)

8.28.060 Issuance – Nontransferable – Voiding.

Each public display permit issued pursuant to this chapter shall be valid only for the specific authorized public display event, shall be used only by the designated permittee, and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this chapter and shall void the permit in addition to all other sanctions provided in this chapter.

(Ord. 1416 § 1, 2014)

8.28.070 Application for public display permit.

Applications for a permit to hold, conduct, or operate a public display of fireworks shall be made to the City of Cle Elum at least thirty days prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements in CEMC 8.28.080.

(Ord. 1416 § 1, 2014)

8.28.080 Standards for public fireworks displays.

All public fireworks displays shall conform to the following minimum standards and conditions:

1. All public fireworks displays must be planned, organized, and discharged by a state-licensed pyrotechnician;

2. A permit must be obtained from the City of Cle Elum prior to any display of public fireworks. The permit shall include the name of the applicant and his or her address; the name of the pyrotechnician and his or her address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed; the manner in which the fireworks are being stored prior to the public fireworks display; and shall include the name and address of the insurance company providing the bond required pursuant to RCW 70.77.285 (Public display permit – Bond or insurance for liability) or RCW 70.77.295 (Public display permit – Amount of bond or insurance);

3. A drawing shall be submitted to the fire chief showing a plan view of the fireworks discharge site and the surrounding area with a radius that reflects seventy feet for every inch of the largest mortar, and not less than a

500-foot radius. This is required for land and water displays (Ref. UFC 78, Table 7802.3-A and NFPA 1123, Table 3-1.3);

4. A fire pumper and a minimum of three trained firefighters shall be on-site from thirty minutes prior to until thirty minutes after the discharge of any fireworks. All cost for fire personnel and apparatus shall be paid to Cle Elum fire services, in an amount calculated in accordance with the Washington State Fire Chiefs fee schedule, and shall be paid prior to the actual display; provided, however, that some or all of the costs for required fire personnel and apparatus may be waived at the discretion of the fire chief if permittee is a community or charitable organization sponsoring a public event to which no admission is charged;

5. All combustible debris and trash shall be removed from the area of discharge for a distance of 300 feet in all directions by the applicant;

6. All unfired or undischarged fireworks shall be disposed of in a safe manner by the state-licensed pyrotechnician;

7. A minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket shall be required to be at the fireworks discharge site;

8. The permit may be immediately revoked at any time deemed necessary by the fire chief or his or her designee due to any noncompliance with law or permit provisions, weather conditions such as extremely low humidity or wind factor, or other emergency conditions;

9. Areas of public access shall be determined by the fire chief or his or her designee and maintained in an approved manner; and

10. The applicant shall also be responsible for securing any and all required state, county, or City permits for use of locations or facilities.

(Ord. 1416 § 1, 2014)

8.28.090 Inspection.

After the discharge site has been completely set up, and prior to the public display, the discharge site shall be inspected and approved by the fire chief or his or her designee.

(Ord. 1416 § 1, 2014)

8.28.100 Applicability.

The provisions of this chapter shall apply to the sale and use of all fireworks except “toy caps,” and fireworks that are otherwise exempt pursuant to RCW 70.77.311 as now in effect or as may be subsequently amended.

(Ord. 1416 § 1, 2014)

8.28.110 Chapter implements state law.

This chapter is intended to implement Chapter 70.77 RCW, including the one-year delay in implementation set forth in RCW 70.77.250(4), and shall be construed consistent with that statute and any and all rules or regulations issued pursuant thereto.

(Ord. 1416 § 1, 2014)

8.28.120 Enforcement.

The fire chief, his or her designee, and city police officers are authorized to enforce all provisions of this chapter and in addition to criminal sanctions or civil remedies, they may revoke any permit issued pursuant to this chapter upon any failure or refusal of the permittee to comply with the orders and directives of the fire chief or his or her designee or duly authorized police officers, and/or to comply with any provisions of this chapter or other laws or regulations.

(Ord. 1416 § 1, 2014)

8.28.130 Penalty for violations.

A. Except as set forth below, any person violating or failing to comply with the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided therefor.

B. Except as allowed under CEMC Section 8.28.040, the discharge of fireworks by an individual, group, or organization shall be a civil infraction with a penalty of one thousand dollars for each violation.

C. For purposes of this section, the term “individual” means a natural person and excludes any firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

(Ord. 1599 § 3, 2020; Ord. 1416 § 1, 2014)

8.28.140 Sale of fireworks – Requirements.

The sale of fireworks within the city shall be subject to the following requirements:

A. The fireworks retailer shall apply for and obtain a valid permit for the sale of fireworks from the city on the application form provided by the city including payment of any application fees.

B. All applications for permits pursuant to this chapter shall be accompanied by a certificate of insurance coverage evidencing the carrying of a comprehensive liability insurance policy with the following minimum coverage limits:

1. For bodily injuries: not less than five hundred thousand dollars per person and two million dollars per event; and

2. For property damage: not less than five hundred thousand dollars per event.

3. The general liability policy required by this section shall name the city of Cle Elum as an additional insured, must be in full force and effect for the duration of the permit, and shall include a provision prohibiting cancellation of the policy without thirty days' written notice to the city. The policy shall be in a form approved by the city attorney.

C. All sales of fireworks shall be from temporary stands. Temporary stands for sales to occur during the authorized retail sales period from June 28th to July 5th of any year shall not be erected prior to the eighteenth of June of that year and shall be removed or torn down not later than the tenth of July of that year. Temporary stands for sales to occur during the authorized sales period from December 27th to December 31st of any year shall not be erected prior to the seventeenth of December of that year and shall be removed or torn down not later than the fifth of January of the following year.

D. The fireworks stands of all those persons engaging in the sale of fireworks pursuant to a permit issued under this chapter shall conform to the following minimum standards and conditions:

1. Fireworks stands shall comply with all provisions of the building code and related safety codes and shall be constructed in such a manner so as not to endanger the safety of attendants and patrons.

2. No fireworks stand shall be located within fifty feet of any other building or structure, nor within one-quarter of one mile of any gasoline station, oil storage tank or premises where flammable liquids are kept or stored.

3. Each fireworks stand must have at least two exits which shall be unobstructed at all times.

4. Each fireworks stand shall have a fire extinguisher in a readily accessible place duly approved in advance by the fire chief.

5. All weeds, grass and combustible material shall be cleared from the location of the fireworks stand and the surrounding area a distance of not less than twenty feet, measured from the exterior walls on each side of the fireworks stand.

6. No smoking shall be permitted in or near a fireworks stand, and the same shall be posted with proper "No Smoking" signs.

7. Each fireworks stand shall have an adult in attendance at all times that the stand is stocked. Stock from the stand shall not be removed or stored in any other building during the sales period without the express written approval of the fire chief.

8. No fireworks stand shall be located within a radius of one-quarter mile from any other stand.

9. Each fireworks stand shall have provision for sufficient off-street parking, in the opinion of the fire chief, to avoid impeding continuous flow of traffic at entrances and exits from the premises.

10. Each fireworks stand shall post prominently a list of fireworks that may be sold.

11. Each fireworks stand shall post prominently at the point of sale that igniting, exploding, or discharging fireworks is unlawful within the city limits, except as allowed under CEMC Section 8.28.040.

E. The applicant shall obtain an investigation and report of the fire chief's findings and conclusions for or against the issuance of a permit, together with his or her reasons therefor. In the case of an application for a permit for a public display of fireworks, the fire chief shall, in addition to any other investigation, make an investigation as to whether such display as proposed will be of such a character and will be so located that it may be hazardous to property or dangerous to any person.

(Ord. 1599 § 4, 2020)

Chapter 8.32
STORING OF AUTOMOBILES IN PUBLIC OR PRIVATE GARAGES

Sections:

8.32.010 Construction.
8.32.020 Storage of gasoline.
8.32.030 Violation – Penalty.

8.32.010 Construction.

It is unlawful for any person, firm, company or corporation to conduct or maintain in the city, a public or private garage in which more than one automobile or machine using gasoline, alcohol, or other explosive for fuel or power, are housed for the purpose of storing or repairing, unless the floor of the building on which the automobiles are housed, stored, or repaired is of concrete and the main division walls separating such room or rooms from adjoining room or stores, are for a distance of six feet up from the floor or floors made of brick and mortar or stone and mortar or concrete or lined or coated with concrete.

(Ord. 138 § 1, 1912)

8.32.020 Storage of gasoline.

All gasoline storage tanks shall be placed outside of the building as directed by the chief of the fire department, and the owner and occupants of such building shall comply with all ordinances regulating the storage, sale, and use of oils, gasoline, and explosives and as directed by the chief of the fire department.

(Ord. 138 § 1, 1912)

8.32.030 Violation – Penalty.

Any person, firm, company or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined in any sum not less than ten dollars and not more than one hundred dollars.

(Ord. 138 § 2, 1912)

Chapter 8.36
STORAGE OF GASOLINE, BENZINE OR NAPHTHA

Sections:

8.36.010 Storage restrictions.
8.36.020 Storage tanks.
8.36.030 Quantity limitation.
8.36.040 Labeling of cans.
8.36.050 Violation – Penalty.

8.36.010 Storage restrictions.

It is unlawful for any person, firm, company or corporation to keep or store or permit the keeping or storing of, within the limits of the city, in any one building, any gasoline, benzine, or naphtha in any greater quantities than five gallons without the written permission of the chief of the fire department of the city. Any quantity in excess of five gallons of any of the articles hereinbefore mentioned must be stored outside the walls of any building except as provided in this chapter, at a spot designated by the chief of the fire department, and no more than fifty-five gallons shall in any case be kept in any one place except as provided in this chapter.

(Ord. 142 § 1, 1912)

8.36.020 Storage tanks.

On the written permission of the chief of the fire department of the city, it is lawful for any person to keep or store any of the articles mentioned in Section 8.36.010 in quantities of not more than two hundred fifty gallons, in a one story brick or cement warehouse detached twenty feet from any other building, which warehouse building shall be used only for such storage and shall have a vent pipe not less than one inch in diameter extending at least six feet above the roof. Quantities in excess of fifty-five gallons may be kept or stored in tanks of iron or steel having a thickness of not less than three-sixteenths of an inch, such tanks to be placed outside the foundation of any building, the top of same to be at least two feet below the surface of the earth and to be completely covered by at least two feet of earth; each tank to be supplied with proper feed pipes and pump, and each pump to be equipped with an automatic cutoff. Such tanks shall be filled through a section of hose suitable for the purpose, which shall be detached from the feed pipe when not in service and the feed pipe securely closed. Gravity process for taking any of the articles from tank will not be permitted, and no such tank shall be located within twenty feet from any furnace, stove or fire.

(Ord. 142 § 2, 1912)

8.36.030 Quantity limitation.

It is unlawful for any person, firm, company or corporation to keep or store any of the articles mentioned in Section 8.36.010 in greater quantities than two hundred fifty gallons without the permission of the city granted by ordinance.

(Ord. 142 § 3, 1912)

8.36.040 Labeling of cans.

All gasoline, benzine, or naphtha in any quantity permitted by this chapter shall always be kept in metallic cans or tanks truly and properly labeled as to contents. It is unlawful for any person, firm or corporation to sell any gasoline, benzine, or naphtha in cans, or to fill or put any of the articles in cans, unless the contents of the cans be plainly written thereon.

(Ord. 142 § 4, 1912)

8.36.050 Violation – Penalty.

Any person, firm, or corporation violating any of the provisions of this chapter, on conviction thereof shall be punished in any sum not less than ten dollars or more than one hundred dollars. Every day's continuation of a violation of any of the provisions of this chapter is deemed to be a distinct offense.

(Ord. 142 §§ 5, 6, 1912)

Chapter 8.40
PETROLEUM FUEL BURNING EQUIPMENT

Sections:

8.40.010 Permits.
8.40.020 Approval and inspection.
8.40.030 Floor furnaces.
8.40.040 Regulations.
8.40.050 Violation – Penalty.

8.40.010 Permits.

A permit shall be obtained from the chief of the fire department for the installation or handling of petroleum fuels used or to be used for heating, cooking, and lighting purposes in excess of one gallon or for use in connection with petroleum fuel burning equipment used or to be used for heating, cooking and lighting purposes, and further, a permit shall be obtained from the chief of the fire department for the sale, use, and installation for all types of petroleum fuel burning equipment aforementioned.

(Ord. 407 § 1, 1947)

8.40.020 Approval and inspection.

All petroleum fuel burning equipment used or to be used for heating, cooking and lighting purposes shall bear the approval of the National Board of Underwriters and all installations of such equipment shall be inspected and approved in writing by the chief of the fire department before the equipment can be used or operated.

(Ord. 407 § 2, 1947)

8.40.030 Floor furnaces.

All floor furnace installation shall be so constructed or placed as to be readily accessible through a floor trap, a door in a foundation wall of adequate size, or through a basement door. There shall be a passageway with a minimum clearing of twenty-four inches in width and thirty inches in depth from the entrance door to the floor furnace burner.

(Ord. 407 § 3, 1947)

8.40.040 Regulations.

The city council shall prescribe forms, rules, and regulations to carry out the provisions of this chapter, such forms and rules shall have the same force and effect as if made part of this chapter.

(Ord. 407 § 4, 1947)

8.40.050 Violation – Penalty.

Any person, firm, or corporation violating any of the provisions of this chapter or failing to comply therewith shall upon conviction pay a fine not exceeding one hundred dollars.

(Ord. 407 § 5, 1947)

Chapter 8.44
CAMPING ON PUBLIC PROPERTY

Sections:

8.44.010 Purpose.
8.44.020 Definitions.
8.44.030 Unlawful camping.
8.44.040 Unlawful storage of personal property in public places.
8.44.050 Removal of unauthorized encampments and individual camps.
8.44.060 Penalties.
8.44.070 Mitigation.
8.44.080 Temporary exclusion from public property – Written exclusion order – Opportunity to appeal.
8.44.090 No public duty created.
8.44.100 Severability.

Prior legislation: Ords. 1152 §§ 1 – 3 and 183 §§ 1 – 4.

8.44.010 Purpose.

It is the purpose of this chapter to prevent harm and to promote the public health, safety, and general welfare and environment by keeping public streets, sidewalks, parks, and other public property owned or maintained by the city and public rights-of-way within the city readily accessible to the public, and to prevent use of public property owned or maintained by the city for camping purposes or storage of personal property that interferes with the rights of others to use the areas for the purposes for which they were intended. It is also the purpose of this chapter to establish a uniform policy for city departments to address the removal of unauthorized encampments from public property owned or maintained by the city and, where applicable, temporarily store personal property in a manner consistent with local, state, and federal laws.

(Ord. 1683 § 1 (Exh. A), 2024)

8.44.020 Definitions.

“Abandoned” means personal property or other items which reasonably appears, based on the totality of the circumstances, that the owner thereof intentionally relinquished the right or intent to possess by action, verbal or written disclaimer, lapse of time, or non-use of the same.

“Admonishment” means a written exclusion order issued by a law enforcement officer that excludes a person from specific public property associated with a person’s violations of local or state laws. Admonishments may be issued for a period of up to one year from the issuance date and subject a person to arrest and prosecution for criminal trespass if violated.

“Camp” or “camping” means to pitch, erect, or occupy camp facilities, structures, or locations, or to use camp paraphernalia or both, for the purpose of or in such a way as to facilitate taking up temporary residence overnight; or parking or otherwise situating a camper, recreational vehicle, trailer, or other vehicle for the purpose of taking up temporary residence overnight.

“Camp facilities” include, but are not limited to, tents, huts, temporary shelters or structures made of any material, campers, recreational vehicles, or trailers.

“Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks and/or cooking facilities and similar equipment.

“City” has the same meaning as provided in CEMC Section 1.04.010.

“Contraband” means any item, material, or substance that is unlawful to produce or possess.

“Hazardous item” or “hazardous material” means items that reasonably appear to pose a threat to public safety or health to an individual, members of the public, or city employees. Examples include but are not limited to human and/or animal waste; drug use needles or other illegal drug-related paraphernalia; illegal drugs or items that may

be used for manufacture of illegal drugs; items bearing signs of contamination, infestation, mold, or biohazard; dangerous or hazardous chemicals; and items posing a risk of fire or explosion.

"Litter" has the same meaning as used in RCW 70A.200.030(6) and (11) as adopted or hereafter amended or recodified.

"Park" or "park facility" means any building, structure, equipment, sign, shelter, swimming pool, vegetation, playground, real property, or other physical property owned or controlled by the city for park purposes. "Park" or "park facility" includes all associated areas, including but not limited to parking lots for parks, structures, regardless of whether the area is under the management and control of the parks and recreation department.

"Personal property" means, in addition to its common meaning, an item that is:

1. Reasonably recognizable as belonging to a person;
2. Has apparent utility or value in its present condition; and
3. Is not abandoned, solid waste, litter, trash, or a hazardous item.

"Public property" means real property, including facilities located thereon, owned or maintained by the city.

"Right-of-way" has the same meaning as provided in CEMC Section 12.01.020.

"Rules and regulations" means any policies or laws governing use of and behavior or conduct upon public property.

"Solid waste" has the same meaning as used in RCW 70A.205.015(22) as currently enacted or subsequently amended or recodified, and includes, but is not limited to: human or animal waste; garbage or trash; household liquid or hazardous waste; food waste; soiled or infested sleeping bags, clothing, bedding, and/or tents or other similar structures or shelters; other hazards; empty packaging; or clearly discarded materials and decaying furniture, tires, mattresses, and wood.

"Store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.

"Street" has the same meaning as provided in CEMC Section 1.04.010.

"Trail" means a public path owned, operated, or maintained by the city for the primary purpose of walking, biking, or other nonvehicular travel.

"Unauthorized encampment" means one or more camp facilities in an identifiable area where the camp facilities are in sight of each other or areas where each camp facility is located within three hundred feet of another camp facility.

"Vehicle" has the same meaning as RCW 46.04.670 as currently enacted or hereafter amended or recodified.

(Ord. 1683 § 1 (Exh. A), 2024)

8.44.030 Unlawful camping.

A. It is unlawful for any person to camp, occupy camp facilities for purposes of habitation, or use camp paraphernalia in the following areas, except as otherwise provided by this code or where specifically designated:

1. Any street, alley, sidewalk, city street, or city right-of-way;

2. Any trail, park, or park facility, except as authorized by special permit or allowance;

3. Any city-owned or maintained parking lot or city-owned area, whether improved or unimproved; or

4. Any other city-owned or maintained property.

B. It is unlawful for any person to occupy a vehicle for the purpose of camping while that vehicle is parked in the following areas, except as otherwise provided by ordinance or as permitted by special permit or allowance:

1. Any park outside of operating hours;

2. Any street, alley, city road, or city right-of-way; or

3. Any city-owned or maintained parking lot or other city-owned or maintained areas, whether improved or unimproved.

(Ord. 1683 § 1 (Exh. A), 2024)

8.44.040 Unlawful storage of personal property in public places.

A. It is unlawful for any person to store personal property, including camp facilities and camp paraphernalia, on the following public property owned or maintained by the city, except as otherwise provided by this code:

1. Any city street or right-of-way;

2. Any trail, park, or park facility, or parking lot thereof;

3. Any city-owned or maintained parking lot or city-owned area, whether improved or unimproved; or

4. Any other public property owned or maintained by the city.

B. This section shall not apply to vehicles, including trailers, recreational vehicles, and campers, that are legally parked in rights-of-way, unless otherwise prohibited by law.

(Ord. 1683 § 1 (Exh. A), 2024)

8.44.050 Removal of unauthorized encampments and individual camps.

A. Law enforcement officer(s) or city-designated personnel will determine whether a location constitutes a "camp," "unauthorized encampment," "abandoned," or meeting the definition of any other term defined in this chapter. For this determination, the law enforcement officer or designated city personnel merely needs to determine that the thing, collection of items, area, or location is readily identifiable as such without said inquiry or determination creating a danger or threat of safety to law enforcement or the designated city personnel.

B. Personal property, camping paraphernalia, camp facilities, and all other property, hazardous items, contraband, litter, and/or solid waste located at an unauthorized encampment may be removed subject to the following provisions:

1. Upon a determination by law enforcement or designated city personnel that an area constitutes an unauthorized encampment or that an individual is engaged in unlawful camping or storage of personal property in a public place.

2. Property which presents an immediate and substantial risk of harm. If the unauthorized encampment, unlawful camping, or unlawful storage of personal property results in an immediate and significant risk of harm to any person or impedes pedestrian or vehicular traffic, then law enforcement, city staff, or contracted city agent may immediately remove any personal property, camping paraphernalia, camp facilities, and all other property, contraband, weapons, litter, and solid waste, which shall be stored or disposed in the manner as set forth in subsection (B)(3) of this section.

3. Except as stated in subsection (B)(2) of this section, prior to removing property from an unauthorized encampment or unlawful camp, or removing personal property unlawfully stored on public property owned or maintained by the city, the following shall occur:

a. The city shall post at least a seventy-two-hour advance notice, which shall include the following information at a minimum:

i. The address or location of the unauthorized encampment, unlawful camping, or unlawful storage of personal property;

ii. A statement that camping or storage activity is prohibited by this chapter;

iii. A statement that any individual continuing to use the area for unlawful camping or storage of personal property may be subject to criminal trespass prosecution and penalties pursuant to CEMC Title 9 and RCW 9A.52.070 or 9A.52.080, as applicable, incorporated herein by reference and as may be hereafter amended or recodified; and

iv. A statement that any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, or solid waste remaining at the site after the notice period is subject to removal and, as may be applicable, temporary storage by the city, consistent with Chapter 63.32 RCW as exists now and hereafter amended.

b. At the end of the seventy-two-hour notice period, any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, or solid waste may be removed by city personnel or agents thereof. Furthermore:

i. Any personal property removed from the site shall be stored by the city for at least sixty days, consistent with Chapter 63.32 RCW as exists now or hereafter amended or recodified, prior to being disposed of;

ii. Notice of where personal property removed from the encampment may be claimed, along with the length of time the owner has to retrieve said property, shall be posted at the location or delivered to any individuals at the site;

iii. If the name and contact information for the owner of a particular item of personal property can reasonably be identified, the city shall attempt to contact the identified owner and provide notice that the personal property has been removed and how the owner may claim the personal property, along with the length of time the owner has to retrieve said property;

iv. Any contraband or evidence of a crime located at the site shall be seized and properly disposed of or retained as evidence of criminal activity; and

v. Any litter, hazardous item, or solid waste found at the site shall be properly disposed of consistent with federal, state, and local laws and regulations.

(Ord. 1683 § 1 (Exh. A), 2024)

8.44.060 Penalties.

A. The first violation of any of the provisions of this chapter is punishable by a fine of seventy-five dollars, which may be reduced to thirty-five dollars for mitigation efforts of the violating individual per CEMC Section 8.44.070.

B. The second violation of any of the provisions of this chapter is punishable by a fine of seventy-five dollars, which may be reduced to fifty dollars for mitigation efforts of the violating individual per CEMC Section 8.44.070.

C. In the instance of a third (cited) violation within one year of two previous citations under this chapter, the individual in violation, in addition to a citation of seventy-five dollars, may be issued a written exclusion order by a police officer of the police department barring said individual from the particular public property owned or maintained by the city for a period of thirty days up to a period of one year, as determined by the officer based on a totality of the circumstances.

1. Such an exclusion order shall only apply to the particular public property owned or maintained by the city that the conduct constituting a violation of this chapter occurred in.

2. A person violating the written exclusion order is subject to arrest and prosecution for criminal trespass under RCW 9A.52.070 or 9A.52.080, as applicable, as incorporated by reference in CEMC 9.001.020.

(Ord. 1683 § 1 (Exh. A), 2024)

8.44.070 Mitigation.

Upon conviction for a violation of this chapter, in addition to any other factors deemed appropriate by the court, the court may consider whether the person immediately removed all personal property and litter, including but not limited to bottles, cans, and garbage, from the campsite, after being informed the placement thereof was in violation of the law as a mitigating factor for determining appropriate penalties.

(Ord. 1683 § 1 (Exh. A), 2024)

8.44.080 Temporary exclusion from public property – Written exclusion order – Opportunity to appeal.

A. An individual may be issued a written exclusion order/notice to vacate by a city law enforcement officer barring said individual from public property for a period of thirty days up to one year, as determined by the officer based on a totality of the circumstances if within a one-year period the individual is warned two or more times, formally or informally, or issued two or more citations at the same public property for violating regulations related to public property; or for violating any state or local law(s) while on said public property. The foregoing exclusion order shall only apply to the particular public property in which the offending conduct occurred.

B. An individual with a current exclusion order applying to them may be subject to arrest and prosecution for criminal trespass under RCW 9A.52.070 or 9A.52.080, as applicable, as incorporated by reference in CEMC 9.001.020.

C. The admonishment included on an exclusion notice:

1. Shall comply with RCW 9A.52.105 and 9A.52.115 as adopted or hereafter amended or recodified;

2. Is effective whether or not the excluded person is charged, tried, or convicted of any crime or infraction;

3. Is effective even if the admonished person refuses a copy of the admonishment; provided, that the issuing city official reasonably notifies the admonished person of the admonishment period, place(s) of exclusion, and appeal process under this notice;

4. Is effective for the admonishment period unless and until shortened or rescinded by an official ruling after appeal in this section;

5. May be based upon observations by city officials and/or police officers, or upon civilian reports that an official or officer could reasonably rely on in determining probable cause; and

6. Shall provide the excluded person with information on how to appeal the exclusion decision of the city.

D. Admonishments and exclusion orders may be delivered in person to the individual or by first class mail to the individual at the individual's last known address, or any other method reasonably designed to provide service of the notice to the individual trespassed.

E. The person subject to an admonishment contained on an exclusion order/notice to vacate may appeal the admonishment in writing. Any such appeal must:

1. Be in writing, including at least the person's name, the involved property location, and the approximate admonishment date to enable processing of the appeal.

2. Be received by the city clerk or postmarked within fourteen calendar days of the person's receiving the admonishment; and

3. Be under oath and include all facts that the admonished person believes support shortening or rescinding of the admonishment.

F. The mayor or designee shall review any appeal of the admonishment and shall issue a ruling upholding, rescinding, or shortening the admonishment within fourteen calendar days of receiving the written request for appeal. The appeal process in this section cannot be used to appeal any criminal penalties imposed by a court under this section or any other law. The mayor or designee may consider the admonishment and any other relevant and trustworthy submitted written materials in deciding the appeal. The admonishment shall be upheld if supported by a preponderance of evidence. The ruling may be transmitted to the excluded person by mail, in person, electronically, or by any other method specified by the person or reasonably likely under the circumstances to give notice of the decision.

(Ord. 1683 § 1 (Exh. A), 2024)

8.44.090 No public duty created.

It is expressly the purpose of this chapter to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons or individual who will or should be especially protected or benefited by the terms of this chapter.

Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the city or its officers, employees, or agents for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees, or agents.

(Ord. 1683 § 1 (Exh. A), 2024)

8.44.100 Severability.

If any portion of this chapter, or its application to any person or circumstances, is held invalid, the validity of the chapter as a whole, or any other portion thereof, or the application of the provision to other persons or circumstances, is not affected.

(Ord. 1683 § 1 (Exh. A), 2024)

Chapter 8.48
TELEVISION AND RADIO ANTENNAS

Sections:

8.48.010 Purpose.
8.48.020 Definitions.
8.48.030 Permit required.
8.48.040 Applications for permits.
8.48.050 Fees.
8.48.060 Inspector duties, rights and powers.
8.48.070 Interference with and notices to inspector.
8.48.080 Bond required.
8.48.090 Technical requirements.
8.48.100 Maker identification.
8.48.110 Applicability to automobiles.
8.48.120 Codes supplemental to this chapter.
8.48.130 Penalty for violation.

8.48.010 Purpose.

The rules set forth in this chapter are adopted for the better protection of life and property, and in the interest of public safety.

(Ord. 497 § 1, 1954)

8.48.020 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

A. “Antenna” means the outdoor portion of the receiving equipment used for receiving or radiating television or radio waves.

B. “Height” means the overall vertical length of the antenna system above the ground, or, if the system is located on a building, then above that part of the level of the building upon which the system rests.

C. “Inspector” means the designated electrical or antenna inspector of the city, or his duly authorized assistant.

D. “Mast” means that portion of the outside antenna system to which the antenna is attached, and the support or extension required to elevate the antenna to a height deemed necessary for adequate operation.

E. “Person” means and includes any person, firm, partnership, association, corporation, company or organization of any kind.

(Ord. 497 § 2, 1954)

8.48.030 Permit required.

It is unlawful for any person to install or make major repairs or maintenance work, either as owner or as agent, servant or employee of the owner, or as an independent contractor for the owner, or otherwise, for or upon any outside television or radio receiving antenna, or to make any additions or substitutions for said antenna, unless and until an inspection permit has first been obtained from the city clerk, except that antennas under fifteen feet in height shall be excluded from the provisions of this section.

(Ord. 497 § 3, 1954)

8.48.040 Applications for permits.

Applications for permits shall be made upon blanks provided by the inspector or the city clerk and shall contain such information as is deemed necessary by the inspector to facilitate the purpose of this chapter.

(Ord. 497 § 5, 1954)

8.48.050 Fees.

An inspection fee of one dollar shall be paid for each permit issued under Section 8.48.030. A reinspection fee of one dollar shall be paid for each trip when extra inspections are necessary due to any one of the following reasons:

A. Wrong address;

B. Condemned working resulting from faulty construction;

C. Repairs or corrections not made when inspection is called;

D. Work not ready for inspection when called.

(Ord. 497 § 4, 1954)

8.48.060 Inspector duties, rights and powers.

A. It is the duty of the inspector and his authorized assistants to inspect all television and radio receiving antennas as specified in this chapter to ascertain if the work has been done in a workmanlike manner.

B. The inspector and his assistants are empowered to inspect or reinspect any wiring, equipment or apparatus within the provisions of this chapter, and if conductors, equipment or apparatus are found to be unsafe to life or property, or are not in conformity with the provisions of this chapter, the inspector shall notify the person owning or operating the hazardous wiring or equipment to correct the condition within a forty-eight-hour period or within the time the inspector specifies. Failure to correct violations within the specified time shall constitute a violation of this chapter.

(Ord. 497 § 6, 1954)

8.48.070 Interference with and notices to inspector.

It is unlawful to interfere with the work of the inspector. The person to whom a permit has been granted for the installation of a television or radio receiving antenna shall immediately notify the inspector when the work covered by the permit has been completed and is ready for final inspection. Upon such notice, the inspector or his assistant shall, within one working day of notification, inspect and approve the installation if the work complies in all respects with the provisions of this chapter and the permit, and shall disapprove the installation if it fails to comply, stating in writing the reasons for disapproval and specifying a time within which the defects must be corrected. A reinspection shall be made after notice to the inspector that the defects have been corrected.

(Ord. 497 § 7, 1954)

8.48.080 Bond required.

Every person engaged in the business of making television or radio receiving antenna installations, or in repairing and/or doing maintenance work on television or radio antennas, shall annually file with the city clerk a good and sufficient bond in the sum of ten thousand dollars, executed by a bonding or surety company authorized to do business in the state and approved by the city attorney. The bond shall be conditioned upon the faithful observance of all laws and ordinances of the city, and shall indemnify, save and keep harmless the city from any and all damages, judgments, costs or expenses which the city may incur or suffer by reason of the granting of a

permit to install, repair or maintain the antenna or perform any services thereon. The bond shall run to the city for the use and benefit of any person who may suffer injuries or property damages by reason of the permit granted under this chapter. The maintenance of the bond in full force and effect is a prerequisite to the issuance of any permit required under the provisions of this chapter. A liability insurance policy issued by an insurance company authorized to do business in the state which conforms to the above requirements may be permitted in lieu of a bond. This provision shall not apply to personal installations, repairs or maintenance of the antenna by an owner or occupant; provided, however, that the owner or occupant gives sufficient proof to the inspector that he is qualified to perform the work in conformity with the provisions of this chapter; and provided further, that the owner or occupant files with his application for a permit an affidavit stating that he will make the installation, repair or maintenance on his own premises only.

(Ord. 497 § 8, 1954)

8.48.090 Technical requirements.

All television and radio receiving antenna installations from and after the effective date of this chapter are made in accordance with the following rules and regulations:

A. Every mast and antenna installed on a roof is mounted on its own platform or plate, which shall be of such design as to adequately transfer the stresses to the roof system.

B. Outdoor antennas shall be of an approved type. A separate set of guy wires shall be required for each ten feet in height, with a maximum of one hundred twenty degrees horizontally between guy wires. The vertical angle between guy wires and mast shall be not less than thirty degrees. Guy wires shall be not less than three thirty-secondths of an inch, five-strand cable or equivalent, galvanized; shall be securely anchored, and the top set of guy wires shall be anchored separately.

The above guying requirements may be modified, provided adequate proof is filed with the inspector to ascertain that the antenna is self-supporting when subjected to a wind pressure of twenty-five pounds per square foot.

C. In no case shall an antenna be installed nearer to a street, sidewalk or power line than the height of the antenna plus eight feet, and no wires, cables or guy wires shall cross or extend over any part of any street or public sidewalk, unless approved by the inspector.

D. Whenever it is necessary to install antenna near power lines, or where damage would be caused by its failing, a separate safety wire must be attached to the top of the mast, and secured in a direction away from the hazard.

E. Masts shall not be secured to brick chimneys.

F. Turnbuckles, when used, shall be protected against turning by threading the guy wires through the turnbuckle.

G. Every antenna must be adequately grounded for protection against a direct stroke of lighting with a No. 8 aluminum or No. 8 copper ground wires, grounded to water piping continuing a minimum of ten feet outside the building or to a driven ground rod, six feet in length.

H. Transmission lines must be kept at least six inches clear of telephone or light wires.

I. Rawl plugs are approved only for supporting transmission lines.

J. Lightning arrestors shall be approved as safe by the Underwriter's Laboratories, Inc., and both sides of the line must be adequately protected with proper arrestors or neon lamps to remove static charges accumulated on the line.

K. When lead-in conductors of polyethylene ribbon-type are used, lightning arrestors must be installed in each conductor.

L. When coaxial cable or shielded twin-lead is used for leading, suitable protection may be provided without lightning arrestors by grounding the exterior metal sheath.

M. Ground straps for grounding masts and attaching arrestors to water pipe shall be approved ground fittings.

N. The miscellaneous hardware, such as brackets, turnbuckles, thimbles, clips, and similar type equipment subject to rust or corrosion, shall be protected with a zinc or cadmium coating by either galvanizing or sherardizing process after forming.

(Ord. 497 § 9, 1954)

8.48.100 Maker identification.

The maker's name, trademark, or other identification symbol shall be placed on all electrical devices or equipment that use one hundred fifteen volts or more which are sold, offered for sale or use or used in the city. These markings and others such as voltage, amperage, wattage, and power-factor or appropriate ratings described in the 1951 edition of the National Electrical Code, shall be required, and are necessary to determine the character of the material, device or equipment and the use for which it is intended.

(Ord. 497 § 10, 1954)

8.48.110 Applicability to automobiles.

It is unlawful for any person to install a television set forward of or which is visible from the driver's position of any motor operated vehicle; otherwise, the provisions of this chapter shall not apply to automobiles.

(Ord. 497 § 12, 1954)

8.48.120 Codes supplemental to this chapter.

The provisions of this chapter shall be construed as supplemental to the building code of the city and any other pertinent law or ordinances of the city, and all work shall conform to these requirements.

(Ord. 497 § 11, 1954)

8.48.130 Penalty for violation.

Any person violating any of the provisions of this chapter, upon conviction thereof, may be fined not to exceed two hundred fifty dollars, or be imprisoned in the city jail not to exceed ninety days, or such person may be punished by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this section.

(Ord. 497 § 13, 1954)

Chapter 8.52
AIRCRAFT OPERATION

Sections:

8.52.010 Altitude restrictions.
8.52.020 Dangerous maneuvers – Dropping articles while in flight.
8.52.030 Landing within city limits.
8.52.040 Establishing flying or landing fields – Permit.
8.52.050 Helicopter landing.

8.52.010 Altitude restrictions.

A. *General.* No person shall operate or fly any aircraft, other than a helicopter, over any portion of the area embraced within the limits of the city of Cle Elum at such an altitude as to endanger human life or safety; and in no event shall such craft, other than a helicopter, be operated or flown over any portion of the city at an altitude lower than two thousand ninety-five feet above sea level except when embarking from or alighting upon a regularly established landing place or flying field. This chapter shall not address operation of any unmanned aircraft. “Unmanned aircraft” shall be defined as aircraft which are operated without the possibility of direct human intervention from within or on the aircraft. The term “unmanned aircraft” includes drones and model rockets fueled by the common A, B, C and D solid fuel engines. The term “unmanned aircraft” does not include (1) a glider or hand-tossed small, unmanned aircraft that is not designed for and is incapable of sustained flight; (2) a

small, unmanned aircraft that is capable of sustained flight and is controlled by means of a physical attachment, such as a string or wire.

B. *Helicopters.* Except in an emergency, or except as authorized by a helicopter landing permit issued pursuant to CEMC Section 8.52.050, no person shall operate a helicopter over any congested area of the city, or over any open-air assembly of persons, at an altitude lower than one thousand feet above the highest obstacle within a horizontal radius of two thousand feet of the helicopter; provided, notwithstanding the minimum altitude provided by this subsection, no person shall operate a helicopter below an altitude which would allow an emergency landing to be made without undue hazard to persons or property on the earth surface in the event of a power failure to the helicopter. Provided, further, the provisions of this subsection shall not apply to helicopters landing or taking off from a helicopter landing space established by resolution of the city council pursuant to CEMC Section 8.52.040.

(Ord. 1613 § 1 (Exh. A), 2021)

8.52.020 Dangerous maneuvers – Dropping articles while in flight.

No person shall operate or fly over the city any aircraft in such a manner as to endanger human life or safety by the performance of unusual or dangerous maneuvers; and no person shall drop or throw any missile, paper or other article whatsoever from an aircraft while in flight unless authorized to do so by a helicopter landing permit issued pursuant to CEMC Section 8.52.050.

(Ord. 1613 § 1 (Exh. A), 2021)

8.52.030 Landing within city limits.

Except in case of an emergency, no person shall land any aircraft within the city limits of the city of Cle Elum except upon a regularly established field or landing space, except as authorized by a helicopter landing permit issued pursuant to CEMC Section 8.52.050.

(Ord. 1613 § 1 (Exh. A), 2021)

8.52.040 Establishing flying or landing fields – Permit.

No flying field or landing place for aircraft, including helicopters, shall be established or maintained within the limits of the city of Cle Elum without a permit therefor first having been granted by resolution of the city council, and any landing place or flying field established within the limits of the city shall be subject to such regulations as the city council may from time to time by resolution adopt.

(Ord. 1613 § 1 (Exh. A), 2021)

8.52.050 Helicopter landing.

A. *Helicopter Landing Unlawful – Exception.* It is unlawful for any person to land a helicopter within the city of Cle Elum at any place other than a helicopter landing space designated in accordance with CEMC Section 8.52.040 without complying with the following regulations:

1. A helicopter landing permit must be obtained from the chief of the Cle Elum police department in accordance with subsection (B) of this section.

2. Each flight must be conducted at an altitude and over a route that will allow the helicopter to be landed in an emergency without hazard to persons or property on the earth surface.

3. The landing space shall be at least one and one-half times the length of the rotor blade measured from end to end.

4. The landing space shall be protected by rope, barricade or similar means suitable for restraint of persons. Personnel shall be stationed at points inside the restricted area to guard against persons from entering the landing space.

B. *Permit – Application.*

1. Application for a helicopter landing permit shall be made in writing to the chief of police at least thirty days in advance of the date of the contemplated helicopter landing; provided, the chief, in his/her discretion, may reduce or waive the application time period for an unexpected occasion when such reduction or waiver will not result in or contribute to creating a hazardous condition. The application shall be made in writing on a form approved by the chief of police and shall be accompanied by documentation to show that the applicant has the approval of the local district office of the Federal Aviation Authority for the helicopter operation and landing for which the permit is sought.

2. The helicopter landing permit application shall be made on a form approved by the chief of police and shall include the following information, together with any additional information deemed by the chief of police to be necessary or desirable to administer the provisions of this chapter:

a. The name, address and telephone number of the applicant; name, address and telephone number of any sponsoring organization; name, address and telephone number of any persons having charge or control of the helicopter landing;

b. The date and time of the proposed helicopter operation and landing;

c. The location of the proposed helicopter operation and landing place;

d. The time of takeoff from the landing space;

e. The route to be traveled by the helicopter in approaching and leaving the landing space;

f. The purpose for the helicopter operation and landing; and

g. Payment of the aircraft operation permit fee as set forth by resolution of the city council.

C. *Permit – Effect.* A permit issued pursuant to the provisions of subsection (B) of this section shall authorize the helicopter operation and landing conducted in accordance with the permit. The chief of police may impose conditions on the issuance of the permit and may impose regulations to the helicopter operation and landing in addition to those provided by this chapter, all as the chief may deem necessary for the safety of persons or property. The permit may include a provision allowing the dropping or throwing of pamphlets or other nonhazardous items from the helicopter, on conditions which the chief of police may impose at his discretion in the interests of public safety, including a requirement for cleaning up any surplus paper or other material so dropped or thrown.

(Ord. 1613 § 1 (Exh. A), 2021)

Chapter 8.60
CODE ENFORCEMENT

Sections:

8.60.010 Purpose.
8.60.020 Definitions.
8.60.030 Conflicting code provisions.
8.60.040 Joint and several responsibility and liability.
8.60.050 Computation of time.
8.60.060 Interference with code enforcement unlawful.
8.60.070 Service of documents.
8.60.080 Violations.
8.60.090 Infractions.
8.60.100 Voluntary correction.
8.60.110 Stop work order.
8.60.120 Notice of civil violation.
8.60.130 Response to notice of civil violation.
8.60.140 Scheduling of hearing to contest or mitigate – Correction prior to hearing.
8.60.150 Contested hearing – Procedure.
8.60.160 Mitigation hearing – Procedure.
8.60.170 Decision of hearing examiner.
8.60.180 Failure to appear – Default order.
8.60.190 Judicial review.
8.60.200 Recovery of penalties and costs.
8.60.210 Abatement.

8.60.220 Right of entry.

8.60.010 Purpose.

The purpose of this chapter is to establish an efficient system of enforcing city regulations that will enable violations to be promptly resolved whenever possible, while providing both appropriate penalties and a full opportunity for alleged violators to have a hearing to contest the violations. It is the express and specific purpose and intent of this chapter to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter. It is also the express and specific purpose and intent of this chapter that no provision or term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers or employees. Nothing contained in this chapter is intended or shall be construed to create or form the basis of any liability on the part of the city, its officers, employees, or agents, for any injury or damage resulting from any action or inaction on the part of the city, its officers, employees, or agents.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.020 Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise or they are more specifically defined in a subchapter or section. Terms not defined shall be given their usual meaning.

“Abate” means to act to stop an activity and/or to repair, replace, remove, or otherwise remedy a condition, when such activity or condition constitutes a violation of this code or a city regulation, by such means and in such a manner and to such an extent as the applicable department director, enforcement officer, or other authorized official determines is necessary in the interest of the general health, safety, and welfare of the community. For the purposes of this chapter, the verbs “abate” and “correct” shall be interchangeable and have the same meaning.

“Act” means doing or performing something.

“City” means the city of Cle Elum, Washington.

“Civil penalty” or “monetary penalty,” as used in any code, ordinance, or regulation of the city shall be deemed to have the same meanings as used in this chapter.

“Code” means the Cle Elum Municipal Code.

“Code enforcement officer” or “enforcement officer” means the city’s code enforcement officer(s); the building official; building inspectors; construction inspectors; the fire marshal or his or her designee; fire inspectors; the chief of the Cle Elum police department or his or her designee; the director of the planning department or his or her designee; the director of the public works department or his or her designee; or any other person or persons

assigned or directed by the city administrator or his or her designee to enforce the regulations subject to the enforcement and penalty provisions of this chapter.

“Correction notice” means a written statement issued by a code enforcement officer, notifying a person that property or work under his or her control is in violation of one or more regulations and informing such person that a notice of civil violation may be issued and/or an infraction or criminal charges filed if the violations are not abated.

“Costs” means, but is not limited to, contract expenses and city employee labor expenses incurred in abating a nuisance; a rental fee for city equipment used in abatement; costs of storage, disposal, or destruction; legal expenses and attorneys’ fees associated with civil judicial enforcement of abatement orders or in seeking abatement orders; and any other costs incurred by the city, excluding fees and expenses associated with appeals authorized by this code or by state law.

“Day” or “days” means one or more calendar days, unless expressly stated otherwise in a given section or subsection. In addition, any portion of a twenty-four-hour day shall constitute a full calendar day.

“Hearing examiner” means the Cle Elum hearing examiner and the office thereof, as established pursuant to CEMC Chapter 2.60.

“Knowledge” means being aware of a fact or circumstance or having information which would lead a reasonable person in the same situation to believe a fact or circumstance exists. A person acts knowingly or with knowledge when that person either is aware of one or more facts, circumstances, or results, which are described by an ordinance defining an offense, or has information which would lead a reasonable person in the same situation to believe that facts, circumstances, or results exist which are described by an ordinance defining an offense.

“Mortgagee” means a financial institution, including a bank, credit union, or other commercial lender, which holds mortgaged property as security for repayment of a loan.

“Notice of violation” or “notice of civil violation” means a written statement, issued by a code enforcement officer, which contains the information required under CEMC Section 8.60.120 and which notifies a person that he or she is responsible for one or more civil violations of the Cle Elum Municipal Code.

“Omission” means a failure to act.

“Owner” means any owner, part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of a building or land.

“Person” means any individual, firm, business, association, partnership, corporation, or other legal entity, public or private, however organized. Because “person” shall include both human beings and organizational entities, any of the following pronouns may be used to describe a person: he, she, or it.

“Person responsible for the violation” or “violator” means any of the following: a person who has titled ownership or legal control of the property or structure that is subject to the regulation; an occupant or other person in control of the property or structure that is subject to the regulation; a developer, builder, business operator, or owner who is developing, building, or operating a business on the property or in a structure that is subject to the

regulation; a mortgagee that has filed an action in foreclosure on the property that is subject to the regulation, based on breach or default of the mortgage agreement, until title to the property is transferred to a third party; a mortgagee of property that is subject to the regulation and has not been occupied by the owner, the owner's tenant, or a person having the owner's permission to occupy the premises for a period of at least ninety days; or any person who created, caused, participated in, or has allowed a violation to occur.

"Regulation" means and includes any of the following, as now enacted or hereafter amended:

1. All Cle Elum Municipal Code provisions;

2. All standards, regulations, and procedures adopted by the city pursuant to a city ordinance;

3. The terms and conditions of any permit or approval issued by the city, or any concomitant agreement entered into with the city, pursuant to code provisions; and

4. A written order of the hearing examiner that has been served as provided in this chapter.

"Repeat violation" means, as evidenced by the prior issuance of a correction notice or a notice of violation, a subsequent violation that has occurred on the same property or that has been committed by a person responsible for the prior violation elsewhere within the city of Cle Elum. To constitute a repeat violation, the violation need not be the same violation as the prior violation. The violation of a written order of the hearing examiner that has been served as provided in this chapter shall constitute a repeat violation.

"Right-of-way" means land owned, dedicated, or conveyed to the public or a unit of government, used primarily for the movement of vehicles or pedestrians and providing for access to adjacent parcels, with the secondary purpose of providing space for utility lines and appurtenances and other devices and facilities benefiting the public. "Right-of-way" includes, but is not limited to, any street, easement, sidewalk, or portion thereof under the jurisdiction of the city.

"Violation" or "civil violation" or "civil infraction" means an act or omission contrary to a regulation as defined in this section. A violation continues to exist until abated to the satisfaction of the city, with each day or portion thereof in which the violation continues constituting a separate violation.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.030 Conflicting code provisions.

In the event a conflict exists between the enforcement provisions of this chapter and the enforcement provisions of any international or uniform code, statute, or regulation that is adopted in the Cle Elum Municipal Code and subject to the enforcement provisions of this chapter, the enforcement provisions of this chapter shall prevail unless the enforcement provisions of this chapter are preempted or specifically modified by said code, statute, or regulation. In the event of a conflict between this chapter and any other provision of this code or city ordinance providing for a civil penalty, the more specific provision shall control.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.040 Joint and several responsibility and liability.

Responsibility for violations of the codes enforced under this chapter is joint and several, both as to duty to correct and to payment of monetary penalties and costs, and the city is not prohibited from taking action against a party where other persons may also be potentially responsible for a violation, nor is the city required to take action against all persons potentially responsible for a violation.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.050 Computation of time.

In computing any period of time prescribed or allowed by this code, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.060 Interference with code enforcement unlawful.

Any person who intentionally obstructs, impedes, or interferes with any lawful attempt to serve a notice of violation, stop work order, or emergency order, or intentionally obstructs, impedes, or interferes with lawful attempts to correct a violation shall be guilty of a gross misdemeanor.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.070 Service of documents.

A. *Methods of Service.* For purposes of this chapter, service of documents related to code enforcement, such as correction notices, notices of civil violation, stop work orders, etc. (hereinafter "document"), shall be accomplished by one of the following methods; provided, that civil infractions shall be served as provided in Chapter 7.80 RCW and criminal misdemeanors and gross misdemeanors shall be served as provided by applicable law:

1. "Personal service" is accomplished by handing the document to the person subject to the document or leaving it at his or her last known dwelling house or usual place of abode with some person of suitable age

and discretion then residing therein or leaving it at his or her office or place of employment with a person in charge thereof. Personal service may also be accomplished by the hearing examiner or his or her assistant handing any order, ruling, decision, or other document to a person prior to, during, or after a hearing.

2. "Service by mail" is accomplished by sending the document by regular first-class mail to the last known address of the person subject to the document. The last known address shall be an address provided to the city by the person to whom the document is directed. If an address has not been provided to the city, the last known address shall be any of the following as they appear at the time the document is mailed: the address of the property where the violation is occurring, as reflected on the most recent equalized tax assessment roll of the county assessor or the taxpayer address appearing for the property on the official property tax information website for Kittitas County; the address appearing in any database used for the payment of utilities for the property at which the violations are occurring; or the address of the person to whom the documents are being sent that appears in the Washington State Department of Licensing database.

3. "Service by posting" is accomplished by affixing a copy of the document in a conspicuous place on the subject property or structure, or as near to the affected property or structure as feasible, with at least one copy of such document placed at an entryway to the property or structure if an entryway exists.

4. "Service by publication" is accomplished by publishing the document as set forth in RCW 4.28.100 and 4.28.110, as currently enacted or hereafter amended.

B. *Service – When Complete.* If service is accomplished by personal service, service shall be deemed complete immediately. If service is accomplished by mail, service shall be deemed complete upon the third day following which the document is placed in the mail, unless the third day falls on a Saturday, Sunday, or legal holiday, in which event service shall be deemed complete on the first day other than a Saturday, Sunday, or legal holiday following the third day. If service is accomplished by posting, service shall be deemed complete upon the fourteenth day following the day upon which the document is posted. If service is accomplished by publication, service shall be deemed complete upon the final publication of the document as set forth in RCW 4.28.110.

C. *Proof of Service – Due Diligence.* Proof of service shall be made by written affidavit or declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service and the manner by which service was made. If service was made solely by posting or publication, the proof of service shall include a statement as to what steps were used in attempting to serve personally and by mail the person at whom service of the document is directed. If service was made by posting, a photograph of the posting may be taken and retained by the city as documentation.

D. *Additional Proof of Service Not Necessary.* No additional proof of service beyond the requirements in this chapter shall be required by the hearing examiner or other entity. Any failure of the person to whom a document is directed to observe a document served by posting or publication shall not invalidate service made in compliance with this section, nor shall it invalidate the document.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.080 Violations.

A. The violation of any regulation shall be unlawful. Violations may be enforced by issuing notices of violation and, if necessary, by filing civil infractions. In addition, any violation of this code shall constitute a misdemeanor, unless otherwise designated as a gross misdemeanor, and the city shall have discretionary authority to enforce a violation as either a civil infraction or civil violation pursuant to this chapter or as a criminal misdemeanor punishable by imprisonment in jail for a maximum term fixed by the court of not more than ninety days or by a fine in an amount fixed by the court of not more than one thousand dollars or by both such imprisonment and fine. A gross misdemeanor is punishable by a fine of not more than five thousand dollars or by imprisonment for not more than twelve months or by both such fine and imprisonment.

B. Each day during any portion of which a violation of this code occurs or continues is a separate offense.

C. Civil enforcement of the provisions of this code or the terms and conditions of any permit or approval issued pursuant to this code shall be governed by this chapter unless other more specific provisions apply.

D. Code enforcement officers are authorized to enforce the code using the provisions and procedures of this chapter; provided, however, that enforcement under this chapter is in addition to, and does not preclude or limit, any other forms of enforcement available to the city, including, but not limited to, criminal proceedings or sanctions, nuisance and injunction actions, rights to file and enforce liens, or other civil or equitable actions to abate, discontinue, correct, or discourage unlawful acts in violation of this code.

E. Nothing in this chapter or in other chapters of the Cle Elum Municipal Code shall prevent code enforcement officers or any other officers of the city of Cle Elum or other governmental unit from taking any other action, summary or otherwise, necessary to eliminate or minimize an imminent danger to the health or safety of any person or property. The city's costs of abating any such nuisance or endangerment summarily or otherwise abated shall be recoverable under this chapter, as well as in the same manner and to the same extent as costs of abating nuisances or endangerment under any other provisions of this code, in addition to or as an alternative to any other rights or remedies the city may possess.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.090 Infractions.

A. When the city determines that it is appropriate to enforce violations of this code as civil infractions rather than civil or criminal violations as otherwise provided in this chapter, or if the city is unable to obtain payment of civil fines pursuant to a notice of civil violation, enforcement officers shall file such infractions in Kittitas district court and shall follow the provisions of Chapter 7.80 RCW. First offenses shall be Class 2 civil infractions, for which the maximum penalty and the default amount shall be one hundred twenty-five dollars, and second or subsequent violations shall be Class 1 civil infractions, for which the maximum penalty and the default amount shall be two hundred fifty dollars, not including fees, costs, and assessments.

B. Chapter 7.80 RCW is hereby adopted by reference to the extent that it is not inconsistent with explicit provisions of the Cle Elum Municipal Code, including this section.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.100 Voluntary correction.

A. *General.* When the city determines that a violation has occurred, a code enforcement officer may attempt to secure the voluntary correction of a violation by attempting to contact the person responsible for the violation, explaining the violation, and requesting correction. This may be done orally and/or in writing. The city may also enter into a written voluntary correction agreement with any person causing, allowing, or participating in the violation, including the property owner. A voluntary correction agreement may be instead of, in lieu of, or in conjunction with a notice of violation. Voluntary correction efforts need not be made where the nature of the violation creates a risk of imminent harm to public health or safety or where it is a repeat violation.

B. *Contents of Written Voluntary Correction Agreement.* A voluntary correction agreement is a contract between the city and the person responsible for the violation, in which the responsible person agrees to abate the violation within a specified time and according to specified conditions. A voluntary correction agreement will generally contain the following information:

1. The name and address of a person responsible for the violation;

2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;

3. A description of the violation and a reference to the code provisions that have been violated;

4. A statement indicating what corrective actions are required and a correction deadline stating the date by which the corrective actions must be completed to the satisfaction of the code enforcement officer in order for the violator to avoid the issuance of a notice of violation;

5. An agreement by the person responsible for the violation that the city may inspect the premises as may be necessary to determine compliance with the voluntary correction agreement;

6. An agreement by the person responsible for the violation and/or the owner(s) of property on which the violation has occurred or is occurring that, if the terms of the voluntary correction agreement are not met, the city may enter the property, abate the violation, and recover its costs and expenses as provided in this chapter;

7. An agreement that by entering into the voluntary correction agreement, the person responsible for the violation waives the right to a hearing before the hearing examiner under this chapter regarding the violation, any penalty, and/or required corrective action; and

8. A statement indicating that, pursuant to CEMC Section 8.60.120, a notice of civil violation may be issued with each violation constituting a separate offense subject to civil penalties, or, alternatively, civil infraction or criminal charges may be filed.

C. *Extension of Voluntary Correction Period or Modification of Required Actions.* An extension of the deadline for voluntary correction, or a modification of any required corrective action, may be granted by the code enforcement officer if the person responsible for the violation has, in the opinion of the code enforcement officer, shown due diligence or made substantial progress in correcting the violation, but unforeseen circumstances have rendered correction unattainable within the original deadline.

D. *Revocation of Deadline for Compliance.* The original deadline for compliance, or any extension for compliance previously granted by the code enforcement officer, may be revoked and immediate compliance required where, in the opinion of the code enforcement officer, circumstances make immediate correction necessary to avoid an imminent risk of injury to persons or property.

E. *Failure to Comply with Voluntary Correction Agreement.*

1. *Abatement by the City.* In addition to any other remedy provided for in this chapter, the city may abate the violation in accordance with CEMC Section 8.60.210 if the terms of the voluntary correction agreement are not met.

2. *Penalties and Costs.* If the terms of the voluntary correction agreement are not met, the person responsible for the violation may be issued a notice of civil violation and assessed a monetary penalty in accordance with CEMC Section 8.60.120, plus all costs and expenses of abatement. Alternatively, the city may file a civil infraction or criminal charges.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.110 Stop work order.

A. *Issuance.* Whenever a code enforcement officer determines that any work, use, activity, or conduct is a violation under the Cle Elum Municipal Code and creates an imminent threat of injury to the health, safety, or welfare of any member of the public or will damage or injure, or exacerbate damage or injury already caused to, any property, the code enforcement officer may issue a stop work order directing any person causing, allowing, or participating in the offending conduct to cease such use, activity, or conduct immediately.

B. *Service of Order.* Service of the stop work order shall generally be accomplished as set forth in CEMC Section 8.60.070(A)(3).

C. The stop work order shall state the reasons for the order and may be appended to, or incorporate by reference, a notice of violation. The stop work order shall take effect immediately upon service and may be appealed under the procedures set forth in this chapter. During any such appeal, the stop work order shall remain in effect.

D. *Effect of a Stop Work Order.* When a stop work order has been issued, posted, and/or served pursuant to this section, it is unlawful for any person to whom the order is directed or any person with actual or constructive knowledge of the order to conduct the activity or perform the work covered by the order, even if the order has been appealed, until the code enforcement officer has removed the copy of the order, if posted, and issued written authorization for the activity or work to be resumed. In addition, a monetary penalty shall accrue for each day or portion thereof that a violation of a stop work order occurs, in the same amounts as under CEMC Section 8.60.120. In addition to such criminal or monetary penalties, the city may enforce a stop work order pursuant to any other provision of this chapter and enforce it in superior court.

E. *Removal of a Stop Work Order.* When a stop work order has been posted in conformity with the requirements of this chapter, removal of such order without the authorization of the city, or the hearing examiner if the matter has been heard by the hearing examiner, is unlawful and a violation.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.120 Notice of civil violation.

A. *Issuance of Notice of Violation.* When the city determines that a violation has occurred or is occurring, the code enforcement officer may issue a notice of civil violation to any person responsible for the violation.

B. *Monetary Penalty.* A monetary penalty shall accrue for each day or portion thereof that each violation continues beyond the date set in a notice of civil violation or any hearing examiner's decision. Unless a different penalty amount for a given violation is expressly authorized or required by a more specific city code provision, the maximum penalty and the default amount shall be one hundred twenty-five dollars for the first violation and two hundred fifty dollars for a second or subsequent violation of the same nature or a continuing violation past a deadline set by a notice of violation, not including fees, costs, and assessments. The city may waive the monetary penalty if corrective action is completed by the date specified in the notice of civil violation or a voluntary correction agreement. The city shall have the discretion to impose penalties in an amount lower than those shown above.

C. *Contents of Notice.* The notice of civil violation shall include the following:

1. The name and address of a person responsible for the violation;

2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;

3. A description of the violation and a reference to the provision violated and a description of what must be done to correct the violation;

4. A statement indicating that the violator must respond to the notice of civil violation within fourteen days of the date of issuance, or within such other time period as specified in the notice of civil violation, by doing one of the following:

a. Paying any fine and correcting the violation;

b. Entering into and complying with a voluntary correction agreement with the city;

c. Requesting a mitigation hearing and correcting the violation; or

d. Requesting a hearing to contest the violation;

5. A statement indicating that failure to respond to the notice of violation, or failure to attend any hearing, shall result in the violation being deemed committed without requiring further action by the city, and that the monetary penalty specified in the notice shall be due to the city by the violator and further accrue as provided; and

6. A statement indicating that payment of a monetary penalty does not relieve the person or entity named in the notice of civil violation of the duty to abate the violation, and that failure to abate may result in the issuance of additional notices of violation and/or criminal charges, with additional civil and/or criminal penalties, including the payment of costs for any abatement action taken by the city.

D. *Extension.* Upon written request received prior to the correction date or time, the code enforcement officer may extend the date set for correction for good cause or in order to accommodate a voluntary correction agreement. The code enforcement officer may consider substantial completion of the necessary correction or unforeseeable circumstances which render completion impossible by the date established as a good cause.

E. *Transfer of Ownership.* It shall be unlawful for the owner of any dwelling unit or structure who has received a notice of civil violation to sell, transfer, mortgage, lease, or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of civil violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of civil violation issued by the code enforcement officer and shall furnish to the code enforcement officer a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of civil violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. This provision shall not apply to the following types of transfers of real property: a gift or other transfer to a parent, spouse, domestic partner, or child of a transferor or child of any parent, spouse, or domestic partner of a transferor; a transfer between spouses or between domestic partners in connection with a marital dissolution or dissolution of a state registered domestic partnership; a transfer made by the personal representative of the estate of the decedent or by a trustee in bankruptcy; and a tax deferred exchange to an intermediary or facilitator.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.130 Response to notice of civil violation.

A. *Generally.* A person who has been served with a notice of civil violation must respond to the notice within fourteen days of the date the notice is served or within such other time period as specified in the notice of civil violation. A person may respond to the notice of civil violation by:

1. Paying the amount of the monetary penalty as set forth in the notice of violation. Partial payment or payment using a check that is rejected for insufficient funds shall not be deemed payment under this subsection. Payment of the fine shall not relieve the person or entity responsible for the violation from the duty to correct or abate the violation. Additional notices of violation may be issued if the violation goes uncorrected;

2. Entering into a voluntary correction agreement with the city;

3. Contesting the notice of civil violation by requesting a contested hearing in writing and sending the request to the city as described in subsection (B) of this section; or

4. Seeking to mitigate the monetary penalty by requesting a mitigation hearing to explain the circumstances surrounding the violation. The request to mitigate must be made in writing and sent to the city with a one-hundred-dollar filing fee as described in subsection (B) of this section. Requesting to mitigate the penalty shall not relieve the person responsible for the violation from the duty to correct or abate the violation. Additional notices of violation may be issued if the violation goes uncorrected.

B. *Method of Response.* The person or entity to whom a notice of civil violation has been issued may respond by mailing or hand-delivering the response to the city clerk. Mailed responses must be received no later than the fourteenth day from the date of service of the notice of violation or such other day as specified in the notice of violation. Hand-delivered responses must be brought to the city clerk no later than four thirty p.m. on the fourteenth day after service or such other day as specified in the notice of violation; provided, that where the fourteenth or other specified day falls on a weekend or holiday, the deadline shall be extended to the next regular business day. Telephone, facsimile, or email responses shall not satisfy the requirements of this section. The response deadline may be stayed for a time certain by the code enforcement officer if the responsible person or entity is engaged in active discussions with the code enforcement officer and the code enforcement officer determines there is a reasonable probability that such discussions may result in compliance.

C. If the person to whom the notice of civil violation is issued fails to respond as required in the notice of civil violation and this chapter, the violation(s) shall be deemed committed without requiring further action by the city or the city's hearing examiner, and the person to whom the notice of civil violation was issued shall owe the monetary penalty indicated.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.140 Scheduling of hearing to contest or mitigate – Correction prior to hearing.

A. *Notice and Scheduling of Hearing.* Upon the timely filing of a request for a hearing to contest a violation or to mitigate the penalty, the matter shall be scheduled to be heard at the next available appearance by the hearing examiner that is a minimum of fourteen but no later than sixty calendar days after the date the request was received by the city. Notice of the hearing date and time shall be served by regular first-class mail to the address of

the party who requested the hearing. The date and time for any hearing may be rescheduled by the hearing examiner for good cause upon the motion of a party or the hearing examiner.

B. *Correction of Violation Prior to Hearing.* The hearing may be cancelled and the party requesting the hearing need not appear if, at least two business days prior to the scheduled hearing, the code enforcement officer determines that the violation has been satisfactorily corrected or abated and the monetary penalty paid in full. Where the scheduled hearing involves a repeat violation as defined in this chapter, the hearing shall not be cancelled unless the new violation has been corrected or abated to the satisfaction of the code enforcement officer and the monetary penalty and costs for the new violation(s) and any monetary penalty and costs owing for the previous violation(s) have been paid in full.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.150 Contested hearing – Procedure.

The hearing examiner shall conduct a contested violation hearing when such hearing is properly and timely requested. The city and the person or entity to whom the notice of civil violation was issued may participate in the hearing, and each party or its legal representative may call witnesses and present evidence and rebuttal, subject to the following:

A. Where not in conflict with a more specific provision of this chapter, hearings shall be conducted in accordance with CEMC Chapter 2.60;

B. The city shall have the burden of proving by a preponderance of the evidence that a violation has occurred;

C. The parties are responsible for securing the appearance of any witnesses they may wish to call. Neither the city nor the hearing examiner shall have the burden of securing any witnesses on behalf of the person who is contesting the violation(s) or seeking to mitigate the penalties;

D. Formal rules of evidence shall not apply to any such hearing, and the hearing examiner shall allow hearsay testimony by the parties and not require proof of chain of custody for evidence that is presented; provided, that the hearing examiner shall determine the weight to be assigned to any evidence presented; and

E. Any notes, reports, summaries, photographs, or other materials prepared by the parties shall be admitted into evidence if requested; provided, that the parties are free to argue the weight that should be assigned by the hearing examiner to any evidence submitted.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.160 Mitigation hearing – Procedure.

The hearing examiner shall conduct a hearing to mitigate the penalty on a violation when such hearing is properly and timely requested; provided, that in the event a person has requested a hearing to contest a violation and prior to the start of the hearing indicates to the hearing examiner a desire to mitigate rather than contest, the examiner shall permit the person to seek mitigation of the monetary penalty. The mitigation hearing shall be conducted according to the following general procedures:

A. The person responsible for the violation shall be given the opportunity to explain or provide evidence regarding the nature of the violation, why the violation exists, why the violation has not been abated or corrected, and any other information the hearing examiner determines is relevant; and

B. The city shall be given the opportunity, at its discretion, to provide evidence of the nature of the violation, evidence to rebut assertions made by any party, and any other information or evidence the hearing examiner deems to be relevant.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.170 Decision of hearing examiner.

A. *Contents of Order.* Upon the conclusion of a hearing, the hearing examiner may issue an oral decision pending issuance of the written decision. If necessary, the hearing examiner may delay issuing the written order for up to ten business days following the hearing. In either event, the oral decision and written order shall contain findings and conclusions based on the record, which to the extent applicable includes the following information:

1. In mitigation hearings, a statement indicating that each alleged violation has been found committed, and in contested hearings, for each alleged violation of the city code, a statement indicating whether the violation has been found committed or not committed;

2. For violations found committed, the monetary penalties and costs being assessed pursuant to this chapter; provided, that where the person has requested to mitigate the monetary penalty, the hearing examiner may reduce the monetary penalty for each violation, but in no case shall the penalty be reduced to an amount less than one hundred dollars for each violation found committed;

3. For violations found committed, any required corrective actions and compliance dates;

4. For violations found committed, a finding that abatement of the violations by the city is authorized at the expense of the person responsible for the violations; and

5. A statement notifying the person responsible for the violation that he or she is subject to additional civil and/or criminal penalties if any violation that was the subject of the hearing has not been corrected or abated as required by the hearing examiner's order.

B. *Notice of Decision.* The hearing examiner may cause a copy of the decision and order to be served upon the parties at the close of the hearing. When the hearing examiner requires more time to prepare a written order, or when a party fails to appear after requesting a contested hearing, the hearing examiner shall cause a copy of the decision and order to be served on the parties by mailing a copy to each party's last known address no later than ten business days following the hearing.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.180 Failure to appear – Default order.

If the person who requests a hearing to contest a violation or mitigate the penalty then fails to appear at the scheduled hearing after having been given notice in the manner provided for by this chapter, the hearing examiner shall immediately issue a default order, which finds committed all the violations set forth in the notice of civil violation and which assesses a monetary penalty in the full amount indicated in the notice of violation. In addition, at the request of the city, the hearing examiner shall also impose upon the nonappearing party any costs to the city related to preparation for the hearing. The hearing examiner shall cause a copy of the decision to be served upon the nonappearing party by mailing a copy to the last known address of the nonappearing party within ten business days of the hearing. Upon the motion of a party, the hearing examiner may rescind a default judgment only upon a showing of good cause to do so and only if such motion has been brought within thirty calendar days of the date of the hearing at which the default judgment was ordered.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.190 Judicial review.

Judicial review of a decision by the hearing examiner relating to any ordinance regulating the improvement, development, modification, maintenance, or use of real property may be sought by any person aggrieved or adversely affected by the decision pursuant to the provisions of the Land Use Petition Act, Chapter 36.70C RCW, if applicable, or other applicable authority, if any, if the petition or complaint seeking review is filed and served on all parties within twenty-one days of the date of the decision. For purposes of this section, "aggrieved or adversely affected" shall have the meaning set forth in RCW 36.70C.060(2). Judicial review of all other decisions may only occur subject to the procedures of Chapter 7.16 RCW.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.200 Recovery of penalties and costs.

A. *Payment of Monetary Penalties and Costs.* Any monetary penalties or costs assessed pursuant to this chapter constitute a personal obligation of the person responsible for the violation. In addition, the monetary penalties or costs assessed pursuant to this chapter may be assessed against the property that is the subject of the

enforcement action. The city attorney is authorized to collect the monetary penalty or costs by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem monetary penalties so long as the violation continues. The city may incorporate any outstanding penalty or cost into an assessment lien if the city incurs costs of abating the violation. Any monetary penalty assessed must be paid in full to the city within thirty days from the date of service of an uncontested notice of civil violation or any order of the hearing examiner that assesses monetary penalties.

B. *Recovery of Costs.* The city shall bill its costs, including incidental expenses, of pursuing code compliance and/or of abating a violation to the person responsible for the violation and/or against the subject property. Such costs shall become due and payable thirty days after the date of the bill. The term "incidental expenses" shall include, but not be limited to, personnel costs, both direct and indirect, including attorneys' fees incurred by the city; costs incurred in documenting the violation; the actual expenses and costs to the city in the preparation of notices, specifications and contracts, and in inspecting the work; hauling, storage, and disposal expenses; the cost of any required printing and mailing; and interest. The city administrator or designee, or the hearing examiner, may in his or her discretion waive in whole or part the assessment of any costs upon a showing that abatement has occurred or is no longer necessary or that the costs would cause a significant financial hardship for the responsible party. Any challenge to the amount of the abatement costs must be made within fourteen days of issuance of the bill and shall be heard by the city administrator in an informal hearing. The city administrator shall make a written determination as to whether or not the city's costs were accurate and necessary for accomplishing the abatement.

C. *Use of Collection Agency.* Pursuant to Chapter 19.16 RCW, as currently enacted or hereafter amended, the city may, at its discretion, use a collection agency for the purposes of collecting penalties and costs assessed pursuant to this chapter. The collection agency may add fees or interest charges to the original amount assigned to collections as allowed by law. No debt may be assigned to a collection agency until at least thirty calendar days have elapsed from the time that the city attempts to notify the person responsible for the debt of the existence of the debt and that the debt may be assigned to a collection agency for collection if the debt is not paid. Notice of potential assignment to collections shall be made by regular first-class mail to the last known address of the person responsible for the violation; provided, that inability to ascertain a current mailing address shall not prohibit the debt from being assigned to collections.

D. *Assessment Lien.* If penalties or costs assessed against a property are not paid within thirty days, the city clerk shall certify to the county treasurer the confirmed amount for assessment on the tax rolls. The county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates as provided in RCW 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the city. The lien shall be of equal rank with the state, county, and municipal taxes. The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within fifteen calendar days after the assessment is placed upon the assessment roll. The city attorney may also file a lien for such costs against the real property.

E. *Continuing Duty to Abate Violations.* Payment of a monetary penalty or costs pursuant to this chapter does not relieve the person responsible for the violation of the duty to correct or abate the violation. Additional notices of violation may be issued and/or criminal charges filed for continuing failure to correct or abate a violation.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.210 Abatement.

A. *Abatement by City.* The city may perform the abatement required upon noncompliance with the terms of an unappealed notice of violation, a voluntary correction agreement, or a final order of the hearing examiner. The city may utilize city employees or a private contractor under city direction to accomplish the abatement. The city, its employees, and agents using lawful means are expressly authorized to enter upon the property of the violator for such purposes. Nothing in this chapter shall prohibit the city from pursuing abatement of a violation pursuant to any other laws of the state of Washington or the city.

B. *Summary Abatement.* Whenever any violation causes a condition the continued existence of which constitutes an immediate threat to the public health, safety, or welfare or to the environment, the city may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. No right of action shall lie against the city or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats, but neither shall the city be entitled to recover any costs incurred for summary abatement prior to the time that notice thereof is served on the person responsible for the violation as set forth in CEMC Section 8.60.070.

C. *Obstruction with Work Prohibited.* No person shall obstruct, impede, or interfere with the city, its employees or agents, or any person who owns or holds any interest or estate in any property in the performance of any necessary act preliminary or incidental to carrying out the requirements of a notice of violation, voluntary correction agreement, or order of the hearing examiner issued pursuant to this chapter.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.220 Right of entry.

A. When it is necessary to enforce the provisions of the Cle Elum Municipal Code, or when a code enforcement officer has reasonable cause to believe that there exists in a building or upon a premises a condition that is contrary to or in violation of this code, the code enforcement officer may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code; provided, that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the code enforcement officer shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code enforcement officer shall have recourse to the remedies provided by law to secure entry.

B. *Posted Property.* Where private property is posted with a "No Trespassing" sign and has a gate or chain on private property, or where private property is enclosed by a secured gate or chain (other than by a simple latching or closure device), a city employee shall not make entry beyond areas open to the public without the express permission of the property owner or resident or a court order. No employee shall be required to enter a posted or gated piece of property if the employee feels threatened, intimidated, or otherwise in fear of his or her personal safety.

C. *Employee Identification.* City employees shall carry identification cards while on duty. Any employee, when legitimately requested by the public, shall show the requesting party his or her identification card.

D. *Intimidation of Employees.* Threats, intimidation, or other violations of public peace directed against an employee engaged in lawful action upon private property are unlawful and may subject that person and the owner of the property, as applicable, to legal action.

(Ord. 1640 § 1 (Exh. A), 2022)

The Cle Elum Municipal Code is current through Ordinance 1703, passed August 12, 2025.

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

City Website: cityofcleelum.com
City Telephone: (509) 674-2262

Hosted by General Code.

Ellensburg Police Department
Ken Wade, Chief of Police

September 24, 2024

Dear Ellensburg Business Owners,

I hope this message finds you well. I am writing to bring your attention to a recent development concerning our city's alarm response calls. Over the first nine months of 2024, the Ellensburg Police Department has seen a 53% increase in the number of alarm-related calls from businesses across the city and your business is one of the top 10 locations.

While we are always here to support and protect our community, the increase in false or unnecessary alarms has placed additional demand on our officers and resources. We recognize that alarms are a crucial part of your business security, and we understand that each alarm is initiated out of concern for safety. However, I want to ensure that we address this issue in a way that continues to protect your business while also maintaining the efficiency of our response team.

To that end, I would like to offer some tips and best practices for ensuring your alarm systems are functioning optimally:

1. **Regular Maintenance**: Ensure your alarm system is regularly inspected and maintained by certified professionals. Faulty sensors and outdated equipment are common causes of false alarms.
2. **User Training**: Make sure that all employees are trained on how to properly arm and disarm the alarm system to avoid accidental triggers.
3. **Updated Contact Information**: Please ensure that the contact information on file with your alarm monitoring service is current. In many cases, false alarms can be resolved without dispatching officers if the business owner or an authorized representative can be reached quickly.

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Thank you for your attention to this matter and for your continued partnership in keeping Ellensburg safe.

Sincerely,

Ken Wade
Chief of Police

Cc: Heidi Behrends Cerniwey, Ellensburg City Manager
Terry Weiner, Ellensburg City Attorney

Phone (509) 962-7280 • FAX (509) 962-7281 • 100 North Pearl Street, Ellensburg WA 98926

Ellensburg Police Department
Ken Wade, Chief of Police

September 24, 2024

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While we are always here to support and protect our community, the increase in false or unnecessary alarms has placed additional demand on our officers and resources. We recognize that alarms are a crucial part of your business security, and we understand that each alarm is initiated out of concern for safety. However, I want to ensure that we address this issue in a way that continues to protect your business while also maintaining the efficiency of our response team.

To that end, I would like to offer some tips and best practices for ensuring your alarm systems are functioning optimally:

1. **Regular Maintenance**: Ensure your alarm system is regularly inspected and maintained by certified professionals. Faulty sensors and outdated equipment are common causes of false alarms.
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Ken Wade, Chief of Police

March 18, 2025

[redacted]

Subject: Addressing Frequent Police Calls to [redacted]

Dear Community Manager,

I hope this letter finds you well. I am reaching out to bring to your attention an increase in police calls to [redacted] since the beginning of the year. A significant number of these calls have been related to nuisance complaints, primarily involving animal disturbances and noise violations.

Our goal is always to foster a safe and peaceful environment for residents while also ensuring that emergency resources are used efficiently. With that in mind, I wanted to extend an offer to collaborate on potential solutions that may help reduce these types of calls. Some strategies that have proven effective in similar situations include:

- **Resident Communication:** Sending reminders to tenants about noise policies and pet responsibilities.
- **Pet Regulations:** Encouraging compliance with leash laws and proper pet care to minimize disturbances.
- **Quiet Hours Reinforcement:** Implementing or reinforcing designated quiet hours and guidelines.
- **Community Mediation:** Offering conflict resolution resources for neighbor disputes before they escalate.

If you are open to discussing potential solutions further, I would be happy to schedule a meeting at your convenience. We value our partnership with the community and would like to work together to create a more harmonious living environment for your residents.

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MRSC
Empowering local governments

Does Your Code Take E-Bikes and E-Scooters Into Account?

June 24, 2025 by Leah LaCivita
Category: Cycling and Walking

Ah, summer in Washington State: wildflower hikes, cold lake swims, and, more recently, gliding around on an electric-powered bike or scooter (e-bike; e-scooter). Whether it is due to environmental considerations, a desire for exercise, or to simply get somewhere faster, many people turn to e-bikes and e-scooters.

Public access to e-bikes/e-scooters has been enabled by shared micromobility companies like Lime or Bird, which began offering rentable options as early as 2017. The National Association of City Transportation Officials (NACTO) reported people took 133 million trips on shared micromobility devices in the U.S. in 2023, a 20% increase from 2022.

Even if your local government not does contract with a company to offer an e-bike/e-scooter share program, odds are that individuals in your community have purchased their own devices (after all, over 1 million e-bikes were sold in 2023 in the U.S) and will be using them on your streets.

Despite their growing popularity, e-bikes/e-scooters do generate criticism, typically around haphazardly parked devices clogging sidewalks and the risks associated with devices that are heavier and faster than their traditional counterparts, making them more hazardous in the event of a collision. This blog looks at state laws regarding electric-assisted bikes and scooters, and how local governments have crafted their own policies to suit local needs.

Regulatory Background

Washington State law addresses e-scooters and e-bikes separately, regulating where these may be ridden, whether riders are required to wear helmets, and what authority localities have in regulating these devices locally.

E-scooters (referred to as 'motorized foot scooters') are addressed in RCW 46.04.336, RCW 46.20.500, and RCW 46.61.715.

- RCW 46.04.336 defines a motorized foot scooter as a device with handlebars and a floorboard, powered by an electric motor or internal combustion engine, with a maximum speed of 20 miles per hour (mph).
- RCW 46.20.500 allows them to be used on a "roadway or bicycle lane."
- RCW 46.61.715 authorizes local government to regulate the use of e-scooters, including those in shared programs, and to adopt/assess penalties for moving/parking violations involving them. The statute also authorizes local governments to levy "reasonable taxes and fees" on e-scooter share companies, and it requires these companies carry commercial general liability and automobile liability insurance.

RCW 46.04.071 defines 'bicycle' to include human-powered bicycles and e-bikes identified in RCW 46.04.169. The latter statute outlines three classes of e-bikes based on the highest speed a rider can achieve:

- Class 1: motor-assisted up to 20 miles per hour.
- Class 2: fully motored (no pedaling) but motor stops when the bicycle reaches 20 mph.
- Class 3: motor-assisted while pedaling up to 28 mph. Riders on class 3 e-bikes or e-scooters must be at least 16 years old (RCW 46.20.500).

RCW 46.61.710 covers operation of both e-bikes and e-scooters, including where they can be ridden, as broadly outlined in the table below.

Device	Where it can be operated
Class 1 e-bike	Formal bike lanes, shared-use trails
Class 2 e-bike	Formal bike lanes, shared-use trails
Class 3 e-bike	• Formal bike lanes • May use sidewalks if there is no other safe alternative to travel or local code allows it
E-scooter	• Formal bike lanes • May use sidewalks if there is no other safe alternative to travel or local code allows it

This statute also prohibits all classes of e-bikes and e-scooters from being used on trails designated as non-motorized or that have a natural surface.

Notably, the state restrictions listed above do not preempt local preference. Localities are authorized to regulate the use of e-scooters — RCW 46.61.715(1) — and all classes of e-bikes — RCW 46.61.710(7) and (8) — including setting age restrictions, access to trails/sidewalks/parking, or use of helmets.

What to Consider

Many cities, towns, and counties throughout the state have adopted local codes that address the use of e-bikes/e-scooters. Some have adopted state restrictions, while others have implemented customized regulations. The most common areas of concern include parking, sidewalk and/or trail riding, and use of helmets.

Where can e-bikes/e-scooters be parked?

E-bikes/e-scooters are heavy and hard to maneuver. If one is left in the wrong area, for example, blocking access to critical infrastructure, it can be difficult for community members to remedy a problem. Instead, several local governments have opted for dedicated parking zones for electric-assisted

devices, which is especially helpful in areas where many are often left, such as transit plazas, stadiums, convention centers, or other major attractions.

In Seattle, bikes, e-bikes, and e-scooters can be parked in the 'furniture zone' (curb/landscape strip next to a sidewalk) or at any city bike rack. Additionally, the city's Free-Floating Shared Micromobility Permit Requirements (2025) specifies that the city may designate no parking zones for shared e-bikes/e-scooters, which the vendor (Lime) is required to implement using geofencing technology. Several of these zones (as well as zones specifically marked for parking shared e-bikes/e-scooters) have been implemented along the popular Alki waterfront trail.

Most policies addressing rentable micromobility devices will also include how they must be parked (i.e., upright, not obstructing flow) and specify that vendors must relocate non-compliant devices within a set time period. In Seattle, e-bikes/e-scooters (as well as traditional bicycles) cannot block driveways, crosswalks, loading zones, accessible parking spaces, bus stops, or street corners. The city also encourages community members to report e-bike/e-scooter parking problems using the Find It, Fix It mobile app.)

Localities should also consider adopting procedures for removing vehicles locked to public property that have been deemed to be abandoned or an obstruction. Here are examples:

- **Bellingham** Municipal Code Sec. 11.48.150 — Allows for impoundment of bicycles constituting an obstruction.
- **Lake Stevens** Municipal Code Sec. 7.36.120 — Allows for impoundment of bicycles, scooters, or "wheeled recreational device" left unclaimed for 60 days.

Where can e-bikes/e-scooters be used?

The rapid growth of micromobility companies, which sometimes deployed their fleets on city streets without first consulting with the local regulatory body, had many policymakers scrambling to update local codes.

While state law specifically prohibits class 3 e-bikes and e-scooters from using sidewalks (RCW 46.61.710), it does not address sidewalk use by class 1 and 2 e-bikes. Some local jurisdictions may have an ordinance banning bicycles from using sidewalks, which would extend to electric-assist bikes. If a local government does not have such a policy but would like to keep all

classes of e-bikes off sidewalks, existing policies used should be reviewed and updated.

Some local governments mirror regulations adopted in RCW 46.61.710:

- **Tacoma** Municipal Code Ch 11.06 — Prohibits class 3 e-bikes from sidewalks and/or multipurpose trails.
- **Seattle** Municipal Code Sec 11.44.120 — Prohibits class 3 e-bikes and e-scooters from operating on sidewalks (unless no alternative is available).
- **Wenatchee** Ch. 7.32 — Restricts e-scooters from all sidewalks (and bicycles from using sidewalks in the downtown business area).

Other local governments group e-bikes/e-scooters with similar devices and develop regulations targeting the group:

- **Bremerton** Municipal Code Ch. 10.13 — *Motorized Wheeled Transportation Devices*. Prohibits their use in parks, public places, multipurpose trails, and streets with a posted speed limit of 25 mph. E-bikes/e- scooters are allowed on sidewalks only if operated under manual power.
- **Spokane Valley** Municipal Code Ch 9.20 — *Motorized Personal Transportation Devices*. Prohibits their use in parks, sidewalks, multipurpose trails, and streets with posted speed limit of 25 mph (except in the designated bike lane).
- **Vancouver** Municipal Code Sec. 8.06 — S*kateboards, Roller Skates, Coasters, In-Line Skates, Motorized Foot Scooters, and Similar Devices*. No device may be ridden in a public plaza or city/county-owned or leased parking structure, and specifically prohibits e-scooter use on sidewalks, bike lanes, or city-owned multipurpose trails.

Electric-assisted devices are frequently prohibited from local public parks (and the trails available in them), including in Everett and Pierce County parks. Others have allowed their use but with restrictions. For example, Bellingham updated its codes in 2021, allowing e-bike/e-scooter use in public parks and on city-owned multipurpose trails — see Bellingham Municipal Code (BMC) Sec. 8.040.060 — and setting a 15-mph speed limit on park roads for all non-motorized *and* motorized vehicles (see BMC Sec. 8.04.050).

Geofencing and shared micromobility programs

Other than outright restrictions, local governments can also work with shared micromobility companies to restrict or manage e-bikes/e-scooters in certain areas using geofencing. Geofencing uses the Global Positioning System (GPS) to create a virtual geographic boundary to, for example, restrict e-bike or e-scooter access, set a reduced speed limit within the boundary, or designate it as a parking area.

Under Spokane's WheelShare program, shared e-bikes/e-scooters may access multipurpose trails in the city, such as those through Riverfront Park or the Centennial Trail, but only at reduced speed limits. The GPS recognizes when a device is being operated in an area with a designated speed limit and automatically adjusts the speed. Seattle employs this technology to both identify low-speed zones and approved parking areas.

Note: Privately owned e-bikes and e-scooters will not respond to this technology.

Should riders wear helmets?

Washington State law does not require it, but many local governments have laws requiring riders to wear helmets, including Aberdeen, Washougal, Lakewood, Port Orchard, Lynnwood, and Snoqualmie, to name a few. Some may encourage such usage, but do not require it; for example, see Tacoma Municipal Code Sec. 11.30.010.

Shared micromobility companies recommend use of helmets, and occasionally offer free ones through local partners (for example, Seattle), but they do not supply them as part of the rental experience.

Conclusion

While state-based regulations regarding electric-assist bicycles and scooters are available for local agencies to consider, there may be good reasons to develop more tailored local codes, especially for those communities in which shared micromobility companies operate.

For information on regulating shared micromobility programs, see the following:

- **NACTO**: Shared Micromobility Permitting, Process, and Participation (2022)

- **New Urban Mobility Alliance**: Micromobility Policy Atlas — A digital database of policies and regulatory frameworks from around the world.

MRSC is a private nonprofit organization serving local governments in Washington State. Eligible government agencies in Washington State may use our free, one-on-one Ask MRSC service to get answers to legal, policy, or financial questions.

About Leah LaCivita

Leah joined MRSC as a Communications Coordinator in the fall of 2016. She serves as the editor and manager for MRSC's blog and biannual print newsletter, writes on a variety of topics, and develops website content.

VIEW ALL POSTS BY LEAH LACIVITA

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Follow us:

E-Motorcycles

- **ARE MOTORCYCLES.**
- Fully electric motor-powered & designed for higher speeds.
- Not pedal assisted like bicycles.
- Must be **registered** with state and **insured.**
- Must be 16 to operate, have drivers license **with motorcycle endorsement, and wear helmet.**
- Not "street legal" unless equipped with lights, reflectors, brakes, mirrors, horns, turn signals, and more.
- **Illegal on sidewalks.**

E-Bicycles

- Have electric motor that assists with pedaling or propels without pedaling.
- No driver's license, motorcycle endorsement, registration, or insurance required.
- Riders must wear helmet.
- Class 1: Pedal-assisted only, max speed 20 mph.
- Class 2: Pedal-assisted and motor propelled without pedaling, max speed 20 mph.
- Class 3: Pedal-assisted only, max speed 28 mph; not allowed on shared-use paths, sidewalks, or non-motorized trails; rider must be 16.
- Class 1 & 2 allowed on bike paths, lanes, sidewalks, and some trails.

Title 6

ANIMALS

Chapters:

6.04 Regulation of Animals ~~and Fowl~~

Chapter 6.04

REGULATION OF ANIMALS ~~AND FOWL~~

Sections:

6.04.010 Definitions.
6.04.020 License and registration required.
6.04.030 License and registration for dogs.
6.04.040 Unlawful to keep animals which are offensive, dangerous or which constitute a nuisance.
6.04.050 Limitation on number.
6.04.060 Dogs and cats not to be permitted at large.
6.04.070 Excessive noise by dogs or ~~fowl~~ prohibited.
6.04.080 Manner of keeping animals ~~and fowl~~.
6.04.081 Grazing animals – Defined.
6.04.082 General space requirements.
6.04.083 Barns, corrals and enclosures.
6.04.084 Animals being driven or ridden.
6.04.085 Abandonment of animals.
6.04.086 Animals in heat.
6.04.087 Animal abuse.
6.04.088 Rabies inoculation.
6.04.089 Cruelty to animals.
6.04.090 Impounding of animals ~~and fowl~~.
6.04.100 Notice of impounding.
6.04.110 Redemption of impounded animals ~~or fowl~~.
6.04.120 Destruction or release of unclaimed animals ~~and fowl~~.

6.04.130 Purchase of unclaimed animals ~~or fowl~~.
6.04.140 Records to be maintained.
6.04.150 Disposition of dangerous animals ~~or fowl~~.
6.04.160 Impounding for observation.
6.04.170 Vicious animals ~~or fowl~~ may be destroyed.
6.04.180 Interference with enforcement.
6.04.190 Penalty for violation.

6.04.010 Definitions.

For the purpose of this chapter the following words shall have the following meanings:

“Animal” means any and all types of animals, including fowl, both domesticated and wild, male and female, singular and plural.

“At large” means off the premises of the owner or custodian of the animal ~~or fowl~~, and not under the physical control of the owner or custodian either by leash, cord, chain or similar restraining device.

“Authorized person” means any law enforcement officer or their designated Animal Control expertspolice officer or the city pound master, or any other person acting under the order or direction of a law enforcement officer or designated Animal Control experts.

~~police officer or of the city pound master.~~

“Exotic animal” means any animal that is neither native to the United States nor traditionally raised and tamed by humans. All exotic animals kept within the city must be licensed and registered as per Section 6.04.020.

~~“Fowl” means any and all fowl, domesticated and wild, male and female, singular and plural.~~

“Owner or custodian” means any person or persons, firm, association or corporation, owning, keeping, having charge of, harboring or feeding any animal ~~or fowl~~ in the city.

“Person” means any person, firm, partnership, corporation or association.

"Vicious animal ~~or fowl~~" means any animal ~~or fowl~~ which has evidenced characteristics rendering it reasonably apparent to a prudent person that the animal ~~or fowl~~ is likely to harm persons or other animals.

(Ord. 967 § 1, 1992; Ord. 651 § 1, 1971)

6.04.020 License and registration required.

A. All dogs in the city must be licensed and registered if over three months of age. The dog license shall be an annual license which shall expire at midnight on December 31st of each year and shall be issued by the city clerk upon payment of the following license fees:

	Neutered Male or Spayed Female	**Unneutered or Unspayed Female**
First dog	$ 15.0~~7.5~~0	$150~~0~~.00
Second dog	5~~10~~.00	5~~13~~.00
Third dog and each dog thereafter	5~~27~~.00	5~~32~~.00

B. Licenses and tags will be available Mondays through Fridays during normal business hours at the Cle Elum Police Department or online if offered by the City~~police department~~. The owner or custodian shall state at the time the application is made for each dog license, upon the form provided for that purpose, the owner's name and address and the name, breed, color and sex of each dog owned, kept or harbored by him or her; provided, this section shall not apply to dogs brought temporarily into the city for a period not to exceed ten days during any calendar year.

C. All exotic pets kept within the city must be licensed and registered. The exotic pet license shall be an annual license which shall expire at midnight on December 31st of each year. Such

license shall be issued by the city clerk upon payment to the clerk of a fee, and upon the satisfactory completion by the owner or keeper of the animal of the registration form provided by the clerk.

(Ord. 1109 § 1, 1999; Ord. 970 § 1, 1992; Ord. 967 § 2, 1992; Ord. 931 § 1, 1991; Ord. 822 § 1, 1984; Ord. 783 § 1, 1981; Ord. 651 § 3, 1971)

6.04.030 License and registration for dogs.

A. All dogs within the City of Cle Elum must be licensed and registered if over three months of age. The animal license shall be an annual license that shall expire at midnight on December 31st of each year. Upon payment of the license fee as set forth in Section 6.04.020A., the city shall issue to the owner or the custodian a license fee receipt and a metal tag for each animal so licensed. The license shall be stamped thereon with the city's name, the current year, and the number corresponding with the number on the issued receipt. Every owner or custodian must provide each dog with a collar to which the license tag must be securely fastened, and must ensure that the collar and tags are worn by the dog at all times. Dog tags are not transferable from one dog to the other. No refund shall be made on any animal license fee as a result of death to the dog or for any other reason.

B. Animal license applications for dogs must include proof of current rabies and distemper immunization.

C. This section shall not apply to dogs brought temporarily into the city.

(Ord. 1342 § 2, 2011)

Editor's note: Ord. No. 1342, § 1, adopted March 8, 2011, repealed the former § 6.04.030. Section 2 of said ordinance enacted a new § 6.04.030 as set out herein. The former § 6.04.030 pertained to tag and collar and derived from Ord. 822 § 2, adopted 1984; Ord. 651 § 4, adopted 1971.

6.04.040 Unlawful to keep animals which are offensive, dangerous or which constitute a nuisance.

It is unlawful for any person, firm or corporation to keep or allow to be kept, within the city, any animal ~~or fowl~~ that is bothersome, noisome, or offensive to the adjacent property owner(s), or which constitutes a nuisance, as determined by the city council after a written complaint is received and a hearing is held.~~dangerous, noisome or offensive to the adjacent property owner(s), or which animal constitutes a nuisance, which determination shall be made by the city council after a written complaint is received by the city council and a hearing on the complaint is held by the city council.~~

(Ord. 967 § 3, 1992; Ord. 651 § 5, 1971)

6.04.050 Limitation on number.

The raising, keeping, breeding or boarding of small animals are subject to the following requirements:

A. Small animals that are kept as household pets in a dwelling unit in aquariums, terrariums, cages or similar containers shall not be limited in number unless such animals constitute a nuisance.

B. Other small animals kept as household pets in a dwelling unit shall be limited to four of any one kind.

C. The number of small animals kept outside a dwelling unit shall be limited as follows:

1. On sites of less than twenty thousand square feet, three per dwelling unit;

2. On sites of between twenty thousand and thirty-five thousand square feet, five per dwelling unit; and

3. On sites greater than thirty-five thousand square feet, one additional small animal per dwelling unit for each one-half acre of site area over thirty-five thousand square feet up to a maximum of twenty.

D. For the purposes of this section, the following definitions shall apply:

1. "Household pets" means small animals that are kept within a dwelling unit.

2. "Small animal" means any animal other than livestock or animals considered to be predatory or wild which are kept outside a dwelling unit all or part of the time. Animals considered predatory or wild, excluding those in zoo animal breeding facilities, shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting or exhibition.

E. If more than one dwelling unit exists on a lot or parcel then, for the purposes of this section, the limitations as set forth above shall apply to each lot or parcel and not to each dwelling unit.

F. Canine limitations: No more than four canines per parcel are permitted, regardless of the number of dwelling units on the parcel. In multi-family dwellings, the total number of canines on the parcel shall not exceed four, and each dwelling unit is limited to no more than two canines.

(Ord. 1452 § 1, 2016; Ord. 822 § 3, 1984; Ord. 651 § 6, 1971)

6.04.060 Dogs and cats not to be permitted at large.

No owner or custodian of any dog or cat shall permit the same to go at large. A dog or cat is considered at large when it is free of restraint or confinement, without leash, and without a person to control the animal. A dog or cat shall not be "at large" if it remains on the owner's premises. A violation of this section is declared to be a nuisance and dangerous to the public health, safety and welfare.

(Ord. 1342 § 2, 2011; Ord. 651 § 2, 1971)

6.04.070 Excessive noise by Animals~~dogs or fowl~~ prohibited.

No owner or custodian of any ~~dog or fowl~~animal shall permit the same to remain outside of the dwelling of such owner or custodian or outside of the closed building where the ~~dog or fowl~~animal is kept while any such ~~dog or fowl~~animal is kept while any such ~~dog or fowl~~ animal is causing excessive or frequent noises which disturb, or is likely to disturb, the comfort or repose of other persons in the neighborhood. A violation of this section is declared to be a public nuisance and adverse to the public health and welfare.

(Ord. 1342 § 3, 2011; Ord. 651 § 7, 1971)

6.04.080 Manner of keeping animals and fowl.

No owner or custodian of any animal ~~or fowl~~ shall keep or harbor or maintain any such animal ~~or fowl~~, or maintain any place in which such animal ~~or fowl~~ is kept, in such manner as to be unclean or hazardous to health. Unclean or hazardous conditions include, but are not limited to, the unhealthy accumulation of waste, inadequate sanitation, or conditions that pose a risk to the health or safety of the animal, or the public.~~filthy or unsanitary~~. Violation of this section is declared to be a public nuisance and adverse to the public health, safety and welfare.

(Ord. 651 § 8, 1971)

6.04.081 Grazing animals – Defined.

A. *Grazing Animals Defined.* A grazing animal is considered to be one horse, one cow, one mule, four sheep, two burros, four goats or two llamas.

B. Grazing animals must be kept within adequate space and properly constructed fences. Animals raised for commercial purposes require a valid business license. ~~Such animals are to be kept within proper space and properly constructed fences. Animals raised for commercial purposes are considered a business and business licenses are required.~~

(Ord. 887 § 1, 1989)

6.04.082 General space requirements.

With respects to each grazing animal to be kept within the city the owner or keeper thereof must provide a minimum of ten thousand square feet of grazing area for each grazing animal.

(Ord. 887 § 1, 1989)

6.04.083 Barns, corrals and enclosures.

No person shall keep, use or maintain any livestock barn, corral or enclosure located closer than fifty feet~~which is located closer than one hundred feet~~ to any neighboring residence or other inhabited building within the city.

(Ord. 887 § 1, 1989)

6.04.084 Animals being driven or ridden.

No person shall ride or drive any horse, mare, mule, burro or any other beast of burden of any description in or upon any of the streets or public places within the city faster than an ordinary walking gait; nor ride any of said animals across or onto any sidewalk, parking strip, tavern or other commercial building.

(Ord. 887 § 1, 1989)

6.04.085 Abandonment of animals.

It is unlawful for any person to abandon within the city any domestic animal by dropping off or leaving such animal on any street, road, alley, highway or by dropping off or leaving such animal on the street, road, alley, highway or any other public place or upon private property without the consent of such private property owner. An animal is abandoned when left in any such place without any provision made for the care and feeding of such animal by its owner or keeper.

(Ord. 887 § 1, 1989)

6.04.086 Animals in heat.

Every female dog or cat in heat shall be confined in a building or secure enclosure, in such manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(Ord. 887 § 1, 1989)

6.04.087 Animal abuse.

[Stricken and replaced with reference to RCW 16.52.205: Animal cruelty in the first degree.] ~~No person shall beat, cruelly treat, torment, overload, overwork or otherwise abuse an animal or cause, instigate or permit any dog fight, cock fight, bull fight or other combat between animals or between animals and humans.~~

(Ord. 887 § 1, 1989)

6.04.088 Rabies inoculation.

All dogs, cats, and ferrets~~dogs~~ licensed within the city shall at all times wear a rabies tag evidencing current rabies inoculation ~~.~~as required by WAC 246-100-197-9-b

(Ord. 887 § 1, 1989)

6.04.089 Cruelty to animals.

[Stricken and replaced with reference to RCW 16.52.207: Animal cruelty in the second degree.]A. ~~*Injuring Animal with Vehicle.* No person shall willfully injure, beat, abuse or run down any animal with a vehicle. Any person who kills or injures an animal while driving a vehicle shall stop at the scene of the accident and render such assistance as practicable, shall make reasonable efforts to locate and identify himself to the owner or to any person having custody of the animal and shall report the accident immediately to the department of public safety or animal control officer.~~

~~B. *Feeding and Care of Animals.* It is unlawful for any person to keep or harbor an animal within the city without providing a suitable amount of wholesome food and clean water for the nutrition and comfort thereof, and without providing a clean sleeping area, or to leave the premises upon which the animal is confined or to which it customarily returns for more than 24 hours without providing for the feeding and care of such animal in the absence of the person.~~

~~C. *Poisoning of Animals.* It is unlawful for any person to willfully or maliciously poison any domestic animal or bird or to lay out or expose any kind of poison or to leave exposed any poisoned food or drink for man, animal or fowl, or any substance or fluid whatever whereon or wherein there is or shall be deposited or mingled any kind of poison or poisonous or deadly substance, or fluid whatever, on any premises or in any unenclosed place, or to aid or abet any person in doing so; except, that the provisions of this section shall not apply to the killing by poison of any animal or bird in a lawful and humane manner by the owner thereof or by a duly authorized servant or agent of such owner, or by the owner, or by a person acting pursuant to instructions from a duly constituted public authority, in accordance with the exceptions provided in RCW Chapter 16.52.190.~~

~~D. *Injury to Animal – Neglect of Injured Animal.* It is unlawful for any person to:~~

~~1. Willfully and cruelly injure or kill any animal by any means causing it fright or pain;~~

~~2. By reason of neglect or intent, to cause or allow any animal to endure pain, suffering or injury or to fail or neglect to aid or attempt alleviation of pain, suffering or injury such person has caused to any animal; or~~

~~3. Maintain any place where fowl or any animals are suffered to fight upon exhibition or for sport upon any wager.~~

~~E. *Criminal Penalty.* Any person and any owner or custodian found to have violated this Section shall be shall be guilty of a misdemeanor, punishable by not more than 90 days in jail and a fine of not more than $500.00.~~

(Ord. 1342 § 4, 2011; Ord. 887 § 1, 1989)

6.04.090 Impounding of animals and fowl.

For any violation of this chapter, any authorized person may impound any such offending animal ~~or fowl~~ in the city animal shelter, or, if he deems it necessary, in a suitable private animal shelter.

(Ord. 651 § 9, 1971)

6.04.100 Notice of impounding.

Not later than two days after the impounding of any animal ~~or fowl~~ under the provisions of this chapter, the city Police Department or their designated Animal Control experts ~~police department or city poundmaster~~ shall notify the owner or custodian, if known, by phone call, text message, or personal contact~~either in person or by first-class United States mail,~~ of the impounding, describing the animal or fowl, and the place and time of taking and advising where the animal is held. If the owner or custodian is unknown a written notice shall be posted for not less than five calendar days on the City Hall main entrance and/or, on the city website or official social media pages. ~~east door of the City Hall (main entrance).~~ The notice shall also advise that unless the animal is redeemed within five days after the date of service or posting of notice, the animal may be sold or destroyed.

(Ord. 822 § 4, 1984; Ord. 651 § 10, 1971)

6.04.110 Redemption of impounded animals or fowl.

A. The owner or lawful custodian of any animal ~~or fowl~~ impounded under the provisions of this chapter may reclaim such animal within five days after the notification by phone call, text message, personal contact, or posting of notices as provided in Section 6.04.100~~personal service, mailing, or date of posting of notices above provided~~; provided, however, the animal ~~or fowl~~ shall be released to the owner or custodian only upon payment of the annual license fees for such animal if not paid, and all ~~of the~~ costs and charges incurred by the city for impounding and maintenance of the animal or fowl. These charges shall be paid to the ~~city clerk~~Police Department and shall consist of the following:

1. For each impounding or capturing of any animal ~~or fowl,~~ included in the annual license fee; ~~$10.00;~~

2. For food and care, $5.00 per day per animal or fowl.

B. Any owner of an animal ~~or fowl~~ being impounded, not wishing to reclaim the animal ~~or fowl~~ or pay the charges for the animal, may sign a form “release of ownership,” giving the city the right to find the animal ~~or fowl~~ a new owner or in the event a new owner cannot be found, the right to destroy the animal or fowl. No additional fee shall accompany this certificate.~~A fee of $10.00 payable to the city shall accompany each certificate.~~

(Ord. 822 § 5, 1984; Ord. 718 § 2, 1977; Ord. 651 § 11, 1971)

6.04.120 Destruction or release of unclaimed animals and fowl.

All animals ~~and fowl~~ impounded under the provisions of this chapter, if unclaimed, shall be retained in the animal shelter for a minimum period of five days. If at the expiration of five days from date of notice to owner or the date of posting of notice or mailing of notice, the animal ~~or fowl~~ has not been reclaimed, it may be destroyed; or, except in the case of vicious animals or fowl, it may be released to any person, upon such person obtaining a license as provided in this chapter and paying a $10.00 new owner’s fee.

(Ord. 822 § 6, 1984; Ord. 651 § 12, 1971)

6.04.130 Purchase of unclaimed animals or fowl.

In the event any animal ~~or fowl~~ is released to any person other than the owner or lawful custodian pursuant to and in accordance with the provisions of Section 6.04.120, such person to whom the animal ~~or fowl~~ is so released shall be deemed a purchaser of the same from the city. The purchaser shall receive from the city clerk a certificate of purchase, and the certificate shall be conclusive evidence of the vesting of complete title to such animal ~~or fowl~~ in the purchaser and of the termination of all interest and rights of the former owner in and to the animal or fowl.

(Ord. 651 § 13, 1971)

6.04.140 Records to be maintained.

The Ppolice Ddepartment shall prepare in duplicate a detailed record of each animal ~~or fowl~~ impounded showing the time and place of taking, a description of the animal or fowl, the name and address of the person to whom released, date of release or other disposition of the animal or fowl. The original copy of this record shall be filed with and maintained in the records of the Ppolice Ddepartment and shall be available to the public for inspection.~~, and one copy thereof shall be filed and maintained in the records of the city clerk.~~

(Ord. 822 § 7, 1984; Ord. 651 § 14, 1971)

6.04.150 Disposition of dangerous animals or fowl.

Whenever it reasonably appears to an authorized person attempting to impound an animal ~~or fowl~~ under the provisions of this chapter that the animal ~~or fowl~~ is dangerous to the public, if capture cannot be effected safely and promptly, said person is authorized to destroy the animal ~~or fowl~~ forthwith.

(Ord. 651 § 15, 1971)

6.04.160 Impounding for observation.

Any authorized person, upon receiving notice that any animal ~~or fowl~~ has bitten any person or has acted in such manner as to indicate that it has rabies or other similar dangerous disease, is authorized to detain such animal ~~or fowl~~ after its identification by the victim or a witness, and the animal ~~or fowl~~ shall be held under observation and for examination by a veterinarian for a period of not less than ten days. The owner or custodian of such animal ~~or fowl~~ will be required to produce proof of rabies immunization. If no owner is located, the city will hold the animal ~~or fowl~~ for ten days, and if the animal is not redeemed by the owner or custodian, it may be sold or destroyed as otherwise provided in this chapter. The owner or custodian of the animal ~~or fowl~~ shall be liable for all medical costs incurred by any person as a result of such animal's behavior, and shall also pay all veterinarian's fees and costs of impoundment and care as provided in this chapter before such animal may be redeemed.

(Ord. 822 § 8, 1984; Ord. 651 § 16, 1971)

6.04.170 Vicious animals ~~or fowl~~ may be destroyed.

Any vicious animal ~~or fowl~~ impounded under the provisions of this chapter and remaining unredeemed after notice has been given as provided in this chapter, or any animal ~~or fowl~~ which has bitten any person and after examination by a qualified veterinarian has been determined by him to have rabies or other disease rendering the animal dangerous to persons, may be destroyed by any authorized person.

(Ord. 651 § 17, 1971)

6.04.180 Interference with enforcement.

It is unlawful for any person, firm, organization or corporation to interfere with, hinder, delay or impede any authorized person in the enforcement of the provisions of this chapter.

(Ord. 651 § 18, 1971)

[Note: Consult Chief Albo for any revisions to this section.]

6.04.190 Penalty for violation.

A. *Civil Penalties – First and Second Violations.* Any person and any owner or custodian violating any provisions of this chapter (with the exception of Section 6.04.089) shall incur a fine in the amount of $50.00 for a first violation, and a fine in the amount of $100.00 for a second violation within the twelve consecutive month period following the date on which the first violation was found to be committed.

B. *Criminal Penalties – Third and Subsequent Violations.* A third violation of any provision of this chapter (with the exception of Section 6.04.089) within the 12-consecutive month period following the date on which the first violation was found to be committed shall be a misdemeanor, punishable by not more than 90 days in jail and a fine of not more than $500.00. A fourth violation of any provision of this chapter (with the exception of CEMC 6.04.089) within the 12-consecutive month period following the date on which the first violation was found to be committed shall be a gross misdemeanor, punishable by not more than one year in jail and a fine of not more than $5,000.00. A fifth or subsequent violation of any provision of this chapter (with the exception of Section 6.04.089) shall be a gross misdemeanor, regardless of the passage of time from the date on which the first violation was found to be committed, punishable by not more than one year in jail and a fine of not more than $5,000.00.

(Ord. 1342 § 5, 2011; Ord. 822 § 9, 1984; Ord. 651 § 19, 1971)

The Cle Elum Municipal Code is current through Ordinance 1700, passed June 10, 2025.

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

City Website: cityofcleelum.com
City Telephone: (509) 674-2262

Hosted by General Code.

Title 6

ANIMALS[1]

Chapters:

6.04 Animal Control
6.08 Dog Feces Removal
6.10 Dangerous and Potentially Dangerous Dogs
6.12 *Repealed*
6.14 Police Dogs
6.16 Exotic Animals
6.18 Livestock

[1] For statutory provisions on animals, see Title 16 RCW.

Chapter 6.04

ANIMAL CONTROL

Sections:

6.04.010 Purpose.
6.04.020 Definitions.
6.04.030 Dog and cat licensing.
6.04.040 Animal shelter and kennel license – Required.
6.04.050 Animal shelter and kennel license – Zoning and health requirements.
6.04.060 Hobby kennel license.
6.04.070 Animal shelters, kennels and pet shops – Reports – Inspections – Sanitation.
6.04.080 Animal shelters, kennels and pet shops – General standards.
6.04.090 Animal shelters, kennels and pet shops – Indoor facilities.
6.04.100 Animal shelters, kennels and pet shops – Outdoor facilities.
6.04.110 Grooming parlors – License.
6.04.120 Grooming parlors – Conditions.
6.04.130 Rule and regulation promulgation.
6.04.140 Reapplication after license denial.
6.04.150 Animal nuisances.
6.04.155 Rabies – Mandatory vaccination and quarantine.
6.04.160 *Repealed.*
6.04.170 Cruelty to animals.
6.04.175 Confinement of an animal in a motor vehicle.
6.04.177 Tethering of an animal.
6.04.180 *Repealed.*
6.04.190 Enforcement power.
6.04.200 Impoundment – Authority – Holding.
6.04.210 Impoundment – Redemption procedures.
6.04.220 Mandatory spay/neuter and microchipping for impounded dogs and cats – Deposit – Refund – Exception.
6.04.230 Impoundment – Inspections.
6.04.240 Feral cats and dogs.
6.04.250 *Repealed.*
6.04.260 Legal or equitable enforcement action.
6.04.270 *Repealed.*
6.04.280 *Repealed.*
6.04.290 *Repealed.*
6.04.300 Violation – Criminal and civil penalty.
6.04.305 Habitual offender.
6.04.310 *Repealed.*

6.04.010 Purpose.

It is declared the public policy of the city to secure and maintain such levels of animal control as will protect human health and safety, and to the greatest degree practicable, prevent injury to property and cruelty to animal life. To this end, it is the purpose of this chapter to provide a means of licensing dogs, cats, animal shelters, hobby kennels, kennels and pet shops and controlling errant animal behavior so that it shall not become a public nuisance and to prevent cruelty to animals. (Ord. 2613 (part), 2017: Ord. 1340 § 1, 1986)

6.04.020 Definitions.

In construing the provisions of this chapter, except where otherwise plainly declared or clearly apparent from the context, words used in this chapter shall be given their common and ordinary meaning; in addition, the following definitions shall apply to each reference to the following words or phrases:

A. “Abandons” means the knowing or reckless desertion of an animal by its owner or the causing of the animal to be deserted by its owner, in any place, without making provisions for the animal’s adequate care, and includes, but is not limited to, arrest, involuntary or voluntary commitment, entrance to a medical or rehabilitation program, or other event causing the animal to be without care and/or shelter for the duration of the owner’s confinement.

B. “Abatement” means the termination of any violation by reasonable and lawful means determined by the director in order that an owner or a person presumed to be the owner shall comply with this chapter.

C. “Animal” means any nonhuman mammal, bird, reptile, or amphibian.

D. “Animal control operations board” means the operations board of the governing entity of the animal control authority, as established by the interlocal agreement.

E. “Animal control authority” means the Sumner police department, acting alone or in partnership with other agencies for enforcement of animal control laws and the shelter and welfare of animals.

F. “Animal control officer” means any individual employed, contracted or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing of animals, control of animals or seizure and impoundment of animals, and includes any state or municipal peace officer, sheriff, constable or other employee whose duties in whole or in part include assignments which involve the seizure and taking into custody of any animal.

G. “City” means the city of Sumner, Washington.

H. “Director” means the Sumner chief of police.

I. “Domesticated animal” means any dog, cat, rabbit, horse, mule, bovine animal, lamb, goat, sheep, hog, bird, or other animal made to be domestic.

J. “Euthanasia” means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness, and death during such loss of consciousness.

K. “Exotic animals” shall mean any of the following:

1. Venomous species of snakes capable of inflicting serious physical harm or death to human beings;

2. Nonhuman primates and prosimians;

3. Bears;

4. Nondomesticated species of felines;

5. Nondomesticated species of canines and their hybrids, including wolf and coyote hybrids;

6. The order Crocodilia, including alligators, crocodiles, caimans and gavials.

L. “Grooming parlor” means any place or establishment, public or private, where animals are bathed, clipped or combed, whether or not for compensation, for the purpose of enhancing their aesthetic value.

M. “Hobby kennel” means a noncommercial kennel at or adjoining a private residence where six or more adult animals are bred and/or kept for hunting, training and exhibition for organized shows, field, working, and/or obedience trials or for enjoyment of their species.

N. “Kennel” means a place where six or more adult dogs or cats or any combination thereof is kept whether by owners of the dogs and cats or by persons providing facilities and care, whether or not for compensation, but not including a veterinary hospital or clinic. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of six months.

O. “Leash” shall mean a cord, strap, or chain of sufficient strength so that the animal is under the control of a competent person accompanying the animal. For purposes of this definition, “leash” does not include an electronic leash or other similar device where a competent person in control of the animal is not holding a cord, strap, or chain directly attached to the animal.

P. “Livestock” means horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and fowl.

Q. “Owner” means any person having a right, claim, title, legal share, or right of possession to an animal or a person having lawful control, custody, or possession of an animal, or who, by reason of the animal being seen residing consistently in a location owned or controlled by the person, is presumed to be the owner.

R. “Pack of dogs” means a group of three or more dogs running upon either public or private property, not that of its owner, in a state in which either its control or ownership is in doubt or cannot readily be ascertained and when such dogs are not restrained or controlled.

S. “Person” means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity, and agents of those entities.

T. “Pet shop” means a person or establishment that acquires for the purpose of sale live animals, including birds, reptiles, fowl and fish, bred by others, whether as owner, agent, or on consignment, and sells, or offers to sell, such live animals, including birds, reptiles, fowl and fish, to the public or to retail outlets.

U. “Potentially dangerous dog” means any dog that without provocation: (1) inflicts bite(s) on a human, domestic animal, or livestock either on public or private property; or (2) chases or approaches a person upon the streets, sidewalks, or any public grounds or private property in a menacing fashion or apparent attitude of attack; or (3) any dog with a known propensity, tendency, or disposition to attack unprovoked or to cause injury or otherwise to threaten the safety of humans, domestic animals, or livestock on any public or private property.

V. “Dangerous dog” means any dog that: (1) inflicts severe injury on or kills a human being without provocation, or (2) inflicts severe injury on or kills an animal without provocation while the animal inflicting the injury is off the property where its owner resides, or (3) has been previously found to be potentially dangerous, the owner having received notice of such, and the animal again aggressively bites, attacks or endangers the safety of humans or other animals. Any dog which inflicts injury to a human or animal while trespassing on the property of another is the presumed provoker, unless such presumption is overcome by the preponderance of the evidence.

W. Restraint. An animal is considered to be under “restraint” if it is maintained and remains within the property limits of its owner or keeper.

X. “Running at large” means to be off the premises of the owner or on the premises of another without the written permission of the owner thereof and not on a leash and not under the control of the owner or competent person authorized by the owner. This definition shall not include a “service animal” as defined in this section if such restraint would interfere with the service animal’s work or the nature of the animal’s owner’s or keeper’s disability prevents use of a restraint.

Y. “Shelter” means a facility which is used to house or contain stray, homeless, abandoned or unwanted animals and which is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization or person devoted to the welfare, protection and humane treatment of animals.

Z. “Under control” means the animal is under control and restrained from approaching any bystander or other animal and from causing or being the cause of physical property damage when off the premises of the owner.

AA. “Vicious” means a propensity to do any act that might endanger the safety of any person, animal or property of another, including, but not limited to, a disposition to mischief or fierceness as might occasionally lead to attack on human beings without provocation, whether in play or outbreak of untrained nature.

BB. “Service animal” shall mean a dog that is individually trained to do work or perform tasks for a person who has a disability as defined under state or federal law.

CC. “Proper enclosure” means, while on the owner’s property, the animal shall be confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have a locking door with a padlock, secure sides, a concrete floor or, if the pen or structure has no bottom secured to the sides, then the sides must be embedded in the ground no less than one foot and a secure top attached to the sides and shall also provide protection from the elements for the animal. The structure must comply with all applicable provisions of the local building and zoning codes.

DD. “Warning sign” means a clearly visible and conspicuously displayed sign containing words and a symbol (to inform children or others incapable of reading) warning that there is a dangerous animal on the property.

EE. “Muzzle” means a muzzle made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any person or animal.

FF. “Severe injury” means any physical injury which results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

GG. “Provocation” means any threatening or aggressive act that would reasonably incite or stimulate a dog to react in self-defense, including, but not limited to, inciting movements, aggressive tones, and offensive touching.

HH. “Tether” means (1) to restrain an animal by tying or securing the animal to any object or structure; and (2) a device, including, but not limited to, a chain, rope, cable, cord, tie-out, pulley, or trolley system for restraining an animal.

II. “Dog” means an animal of the species Canis lupus familiaris.

JJ. “Necessary shelter” means a structure sufficient to protect a dog from wind, rain, snow, cold, heat, or sun that has bedding to permit a dog to remain dry and reasonably clean and maintain a normal body temperature.

KK. “Necessary water” means water that is in sufficient quantity and of appropriate quality for the species for which it is intended and that is accessible to the animal or as directed by a veterinarian for medical reasons.

LL. “Kennel license” means a license/registration/permit that is issued to any place for a fee determined by city ordinance where animals are kept, trained, groomed, boarded (long or short term), sold, or rehomed after a successfully passed inspection of said premises by an appointee designated by the animal control authority. Licensed veterinarians who, in addition to veterinary medical services on the premises, provide the ancillary services of boarding, grooming, and foster care for their patients, are exempt from the kennel licensing requirements of this chapter. (Ord. 2816 § 1, 2022; Ord. 2780 § 1, 2021; Ord. 2613 (part), 2017: Ord. 2541 § 1, 2015; Ord. 2405 § 1, 2012: Ord. 2324 § 1, 2010: Ord. 2281 § 1, 2008: Ord. 1901 § 1, 1999: Ord. 1760 § 1, 1996; Ord. 1340 § 2, 1986)

6.04.030 Dog and cat licensing.

A. License Requirements. All dogs and cats seven months of age or older which are harbored, kept or maintained in the city shall be licensed by the city annually on a schedule established by the animal control authority; provided, however, that dogs kept in kennels need not be licensed as provided in SMC 6.04.040; provided further, that this section shall not apply to dogs used by the police department for police work. No more than five dogs and/or cats may be individually licensed by a residence or to an owner in the city of Sumner.

B. Fees. Dog and cat licenses shall be issued by the animal control authority upon application and payment of an annual license fee made payable to Metro Animal Services. The fee for each animal license shall be as set forth in the following schedule of fees. Applications for a dog or cat license shall be on forms provided by the animal control authority. No prorating of a license fee for a portion of the calendar year shall be made. Every dog or cat kept within the city limits shall be provided by its owner with a collar or harness made of leather, metal or other substantial material, which shall be worn by such dog or cat at all times when off the premises of the licensed owner and to which the license tag provided shall be securely fastened.

Animal Control Fees:

(1)	Juvenile dogs – eight weeks through six months	$0.00
(2)	Adult dogs – seven months or older:	
	Altered	$20.00
	Unaltered	$60.00
(3)	Juvenile cats – eight weeks through six months	$0.00
(4)	Adult cats – seven months or older:	
	Altered	$12.00
	Unaltered	$60.00
(5)	Reduced rates for senior citizens, 65 years of age or older:	
(a)	Dogs:	
	Altered	$10.00
	Unaltered	$30.00
(b)	Cats:	
	Altered	$6.00
	Unaltered	$30.00
	In order to receive the fee advantage for altered dogs and cats, an individual must provide either proof of alteration from a licensed veterinarian or a written statement from a licensed veterinarian that the spay/neuter procedure would be harmful to the animal.	
(6)	Exotic animal – owner's license	$100.00
(7)	Kennel license fee	$75.00
(8)	Replacement tag fee	$5.00
(9)	Permit for potentially dangerous dog	$250.00
(10)	Annual renewal of permit for potentially dangerous dog	$50.00
(11)	Permit for dangerous dog	$500.00
(12)	Annual renewal of permit for dangerous dog	$100.00
(13)	Animal Shelter Fees.	
	A. Adoption Fees. Adoption fee shall include an animal license, spaying/neutering of the animal and a microchip.	
	B. Spay/Neuter Deposit. Fee charged to a new owner if the animal is too young to be altered. The deposit is refunded upon providing proof of alteration within 120 days of adoption.	
	C. Owner Drop Off Fee. Fee charged to an owner who surrenders their animal to animal control for adoption.	
	D. Owner Euthanasia Fee. Fee charged to an owner who surrenders their animal to animal control for euthanization.	
	E. Boarding Fee. Fee charged to an owner for costs associated with boarding an animal that has been	

impounded or taken into protective custody including the first and last day that the animal is retained by the impounding authority even where the animal is in custody for less than a full day.

F. Impound/Redemption Fee. Fee charged to an owner for costs associated with completing the intake and disposition process of an animal that has been impounded.

These fees shall be set annually by the animal control operations board and shall be based on comparables as well as actual costs associated with professional services. The animal control operations board shall provide each participating city with a copy of these fees. The "animal control operations board" means the operations board of the governing entity of the animal control authority, as established by the interlocal agreement.

(14) Checks – Any person who issues a check for which funds are insufficient (NSF) will be assessed a fee of $40.00. In addition, any license(s) or penalties paid with such checks will be invalid. Additional costs incurred by the city in collecting NSF checks shall be considered a cost of abatement and will be the personal obligation of the animal owner and will be subject to civil litigation.

C. License Revocation. If the animal control authority has reason to believe by a preponderance of the evidence that a dog license was issued to a dog that has been designated a potentially dangerous or dangerous dog in any jurisdiction, the license shall be revoked with the provisions of chapter 6.10 SMC taking effect.

D. Penalty. Any person who fails to obtain a license within 30 days after the license expiration date but before 60 days of the expiration date shall pay a penalty of $10.00 per license. Any person who fails to obtain a license within 60 days of the license expiration date shall pay a penalty of $20.00 per license. No late payment penalty shall be charged on new license applications if:

1. The owner submits proof of purchase of the animal within the preceding 30 days; or

2. The owner has moved into the city within the preceding 30 days; or

3. The animal is currently, or has been within the preceding 30 days, under the age which requires a license; or

4. The owner purchases the license(s) voluntarily prior to in-person or field contact by animal control personnel; or

5. The owner submits other proof deemed acceptable in the animal control authority's administrative policy.

E. Nonapplicability. Provisions of this section shall not apply to dogs or cats in the custody of a veterinarian or animal shelter, a service animal, or whose owners are nonresidents temporarily within the city for a period not exceeding 30 days. Dogs and cats are exempt from the above licensing provisions when they are in the custody of a recognized animal rescue group. In order to qualify as a recognized group, proof of registration with the Internal Revenue Service pursuant to IRC 501(c)(3) must be submitted to the Humane Society by the group. (Ord. 2819 § 1, 2022; Ord. 2613 (part), 2017: Ord. 2541 § 2, 2015: Ord. 2500 § 1, 2014; Ord. 2405 § 2, 2012; Ord. 2344 § 1, 2010; Ord. 2324 § 2, 2010; Ord. 2281 § 2, 2008; Ord. 2257 § 1 (part), 2008: Ord. 1901 § 2, 1999: Ord. 1340 § 3, 1986)

6.04.040 Animal shelter and kennel license – Required.

It is unlawful for any person to keep or maintain any animal shelter or kennel within the city of Sumner without first obtaining a valid and subsisting license therefor. The fee for such license shall be set forth in SMC 6.04.030. Each license and certificate of inspection issued pursuant to this chapter shall be conspicuously displayed at the establishment to which such license was issued. The license shall be dated and numbered and shall bear the name of the city and the name and address of the owner or keeper of the establishment, and the expiration date of the license. The license shall run for a period of one year from the date of purchase. (Ord. 2613 (part), 2017: Ord. 1901 § 3, 1999: Ord. 1340 § 4, 1986)

6.04.050 Animal shelter and kennel license – Zoning and health requirements.

A. Zoning Compliance. The applicant for an original animal shelter or kennel license shall, prior to issuance of the animal shelter or kennel license, present to the animal control authority evidence of approval from the city of Sumner planning commission and the Sumner city council.

B. Health Inspection. Before an animal shelter or kennel license may be issued by the animal control authority, a certificate of inspection from the animal control authority must be issued showing that the animal shelter, kennel, or pet shop is in compliance with hygienic standards of this chapter or other applicable chapters or regulations. (Ord. 2613 (part), 2017: Ord. 1340 § 5, 1986)

6.04.060 Hobby kennel license.

A. License Required. It is unlawful for any person to keep or maintain any dog or cat within the city for the purpose of a hobby kennel without obtaining a valid license therefor. The fee for such license shall be as set forth in SMC 6.04.030.

B. Limitation of Number of Dogs and Cats Allowed. The total number of dogs and cats over six months of age kept by a hobby kennel shall not exceed the total number authorized by the animal control authority based on the following guidelines:

1. The number of animals permitted shall be established by the animal control authority based on such factors as animal size, type and characteristics of the breed and the amount of lot area; provided, that the maximum number shall not exceed 25 where the lot area contains five acres or more; the maximum number shall not exceed 10 where the lot area contains 35,000 square feet but less than five acres and the maximum shall not exceed five where the lot area is less than 35,000 square feet.

2. All open run areas shall be completely surrounded by a six-foot fence set back at least 20 feet from all property lines.

3. No commercial signs or other appurtenances advertising the kennel are permitted on the property.

4. The director may require additional setback, fencing, screening, or soundproofing requirements as he/she deems necessary to insure the compatibility of the hobby kennel with surrounding development.

5. The hobby kennel shall limit dog and cat reproduction to no more than 12 offspring per license year.

6. Each animal in the hobby kennel shall have current and proper immunization from disease according to the animal's species and age. For dogs such shall consist, as a minimum, of DHL inoculation for dogs over three months of age and rabies inoculations for those over six months of age. (Ord. 2613 (part), 2017: Ord. 1901 § 4, 1999: Ord. 1340 § 6, 1986)

6.04.070 Animal shelters, kennels and pet shops – Reports – Inspections – Sanitation.

A. Report of Animal Disposition. Each animal shelter, kennel or pet shop shall maintain a list which is available upon request to the animal control authority, quarterly, based upon the calendar year, of all dogs and cats auctioned off, given away, sold or otherwise disposed of. The list shall include the origin, the age and type of dog or cat, and the name and address of the person to whom the dog or cat was given or purveyed.

B. Inspection. It shall be the duty of the director or his/her designee to make or cause to be made such inspections as may be necessary to insure compliance with other applicable sections of this chapter. The owner or keeper of an animal shelter, kennel or pet shop shall admit to the premises, for the purpose of making an inspection, any officer, agent or employee of the animal control authority at any reasonable time that admission is requested.

C. Unsanitary Conditions Unlawful. It is unlawful to keep, use or maintain within the city any animal shelter, kennel or pet shop that is unsanitary, nauseous, foul or offensive, or in any way detrimental to public health and/or safety and not in compliance therewith. Failure to comply with this section may be cause for revocation or denial of a license to use, keep or maintain such animal shelter, kennel or pet shop. (Ord. 2613 (part), 2017: Ord. 2324 § 3, 2010; Ord. 1340 § 7, 1986)

6.04.080 Animal shelters, kennels and pet shops – General standards.
Animal shelters, kennels and pet shops shall meet the following conditions:

A. Housing facilities shall be provided for the animals and such shall be structurally sound and shall be maintained in good repair; shall be designed so as to protect the animals from injury; shall contain the animals; and shall restrict the entrance of other animals.

B. Electric power shall be supplied in conformance with city and state electrical codes adequate to supply lighting and heating as may be required by this chapter. Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and primary enclosures of debris and excreta.

C. Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

D. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be maintained in a sanitary condition, free from the infestation or contamination of insects or rodents or disease and from obnoxious or foul odors.

E. Washroom facilities, including sinks and toilets with hot and cold running water, must be conveniently available for cleaning purposes, and a large sink or tub provided for the purpose of washing utensils, equipment and facilities.

F. Sick animals shall be separated from those appearing healthy and normal and, if for sale, shall be removed from display and sale. Sick animals shall be kept in isolation quarters with adequate ventilation to prevent contaminating well animals.

G. There shall be an employee on duty at all times during hours any shelter, kennel or pet shop is open.

H. An employee or owner shall come in to feed, water and do the necessary cleaning of animals and birds on days the shelter, kennel or pet shop is closed.

I. No person shall knowingly sell a sick or injured animal or bird.

J. No person shall misrepresent an animal or bird to a consumer in any way. (Ord. 2613 (part), 2017: Ord. 1340 § 8, 1986)

6.04.090 Animal shelters, kennels and pet shops – Indoor facilities.
Animal shelters, kennels and pet shops which have indoor housing facilities for animals and birds shall:

A. Be sufficiently heated or cooled to protect such animals from temperatures to which they are not normally acclimatized;

B. Be adequately ventilated to provide for the health of animals contained therein and to assist in the removal of foul and obnoxious odors. Provision shall be made so that the volume of air within any enclosed indoor facility shall be changed three times or more each hour. This may be accomplished through the rotation and periodic opening of doors and windows. If fans or ventilating equipment are used, they shall be constructed in conformance with current standards of good engineering practice with respect to noise and minimization of drafts;

C. Have sufficient natural or artificial lighting to permit routine inspection and cleaning at any time of day. In addition, sufficient natural or artificial lighting shall be supplied in the area of sinks and toilets to provide for the hygiene of animal caretakers;

D. Have interior wall and ceiling surfaces constructed of materials which are resistant to the absorption of moisture and odors, or such surfaces shall be treated with a sealant or with paint, when such materials are not originally resistant to moisture or odors. Floor surfaces shall not be made of unsealed wood. In addition, interior walls shall be constructed so that the interface with floor surfaces is sealed from the flow or accumulation of moisture or debris;

E. Contain a drainage system which shall be connected to a sanitary sewer or septic tank system which conforms to the standards of building codes in force within the city and shall be designed to rapidly remove water and excreta in the cleaning of such indoor housing facility under any condition of weather or temperature; provided, this requirement shall not apply to hobby kennels and pet shops. All indoor housing facilities for animals, fish, or birds shall be maintained in a clean and sanitary condition and a safe and effective disinfectant shall be used in the cleaning of such facilities;

F. Conform with all applicable development standards of the city zoning code. (Ord. 2613 (part), 2017: Ord. 1340 § 9, 1986)

6.04.100 Animal shelters, kennels and pet shops – Outdoor facilities.
Animal shelters, kennels and pet shops which have outdoor facilities for animals and birds shall:

A. Be constructed to provide shelter from excessive sunlight, rain, snow, wind, or other elements. In addition, such facilities shall be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein;

B. Be constructed to provide drainage and to prevent the accumulation of water, mud, debris, excreta, or other materials and shall be designed to facilitate the removal of animal and food wastes;

C. Be constructed with adequate walls or fences to contain the animals kept therein and to prevent entrance of other animals;

D. Conform with all applicable development standards of the city zoning code. (Ord. 2613 (part), 2017: Ord. 1340 § 10, 1986)

6.04.110 Grooming parlors – License.
It is unlawful for any person to keep or maintain any grooming parlor without first obtaining a valid and subsisting license therefor. The fee for such license shall be as set forth in SMC 6.04.030. However, if the grooming parlor is operated as a part of the business of a kennel, or a pet shop, the fee shall be in addition to the fee established for a kennel or pet shop license. (Ord. 2613 (part), 2017: Ord. 1901 § 5, 1999: Ord. 1340 § 11, 1986)

6.04.120 Grooming parlors – Conditions.
Grooming parlors shall:

A. Not board animals but keep only dogs and cats for a reasonable time in order to perform the business of grooming;

B. Provide such restraining straps for the dog or cat while it is being groomed so that such animal shall neither fall nor be hanged;

C. Sterilize all equipment after each dog or cat has been groomed;

D. Not leave animals unattended before a dryer;

E. Not prescribe nor administer treatment or medicine that is the province of a licensed veterinarian as provided in RCW 18.92.010;

F. Not put more than one animal in each cage;

G. Have floors and walls in rooms, pens and cages used to retain animals or in areas where animals are clipped, groomed or treated constructed of water-impervious material that can readily be cleaned, and which must be maintained in good repair;

H. Have hot and cold water conveniently available and a large sink or tub provided (minimum size, 24 inches by 18 inches by 12 inches);

I. Have toilet and hand-washing facilities with hot and cold running water conveniently available for personnel employed;

J. Have only equipment necessary to the operation of the licensed establishment kept or stored on the premises that shall only be stored in a sanitary or orderly manner;

K. Have all cages, pens, or kennels used for holding animals kept in a clean and sanitary condition and disinfected on a routine basis;

L. Comply with all applicable development standards of the city zoning code. (Ord. 2613 (part), 2017: Ord. 1901 § 6, 1999: Ord. 1340 § 12, 1986)

6.04.130 Rule and regulation promulgation.
The director is authorized to promulgate rules and regulations not in conflict with this chapter as they pertain to the conditions and operations of animal shelters, hobby kennels, kennels, pet shops, and grooming parlors, guard dog purveyors, guard dog trainers and guard dog owners. Such rules and regulations shall be enacted in accordance with city procedures for adopting such rules and regulations. The animal control authority may, in addition to other penalties provided in this chapter, revoke, suspend or refuse to renew any animal shelter, hobby kennel, kennel, grooming parlor, pet shop, guard dog purveyor, guard dog trainer license or guard dog registration upon good cause or for failure to comply with any provision of this chapter. (Ord. 2613 (part), 2017: Ord. 1340 § 13, 1986)

6.04.140 Reapplication after license denial.
No applicant shall be issued a kennel license, who has previously had such license or registration revoked or a renewal refused, for a period of one year after the date of revocation or refusal and until such applicant meets the requirements contained herein to the satisfaction of the animal control authority. (Ord. 2816 § 2, 2022; Ord. 2613 (part), 2017: Ord. 1340 § 14, 1986)

6.04.150 Animal nuisances.
For purposes of this chapter, violations of this chapter are nuisances and shall include, but not be limited to, the following:

A. Any public nuisance relating to animal control known at common law or in equity jurisprudence;

B. Animals (excluding household pets, such as dogs and cats), particularly horses, mules, rabbits, bovine animals, lambs, goats, sheep, birds, hogs, chickens or other animals made to be domestic, being kept in any districts which do not comply with the existing zoning regulations;

C. Animals running at large within the city;

D. Any domesticated animal, whether licensed or not, which runs at large in any park, or enters any public beach, pond, fountain, or stream therein, or upon any public playground or school ground; provided, however, that this section shall not prohibit a person from walking or exercising an animal in a public park or on any public beach when such animal is on a leash, tether or chain not to exceed eight feet in length. This section shall not apply to a service animal if a leash would interfere with the service animal's work or the nature of the owner's or keeper's disability prevents use of a leash;

E. Any animal which enters any place where food is stored, prepared, served or sold to the public, or any other public building or hall. This section shall not apply to a service animal if a leash would interfere with the service animal's work or the nature of the owner's or keeper's disability prevents use of a leash;

F. A female domesticated animal, whether licensed or not, while in heat, accessible to other animals for purposes other than controlled and planned breeding;

G. Any domesticated animal which chases, runs after or jumps at vehicles using the public streets and alleys;

H. Any domesticated animal which habitually snaps, growls, snarls, jumps upon or otherwise threatens persons lawfully using the public sidewalks, streets, alleys, or other public ways and city-owned properties;

I. Any animal which has exhibited vicious propensities and which constitutes danger to the safety of persons or property off his premises or lawfully on his premises;

J. A vicious animal or animal with vicious propensities which runs at large at any time, or which is off the owner's premises not securely leashed and in the control of a person of suitable age and discretion to control or restrain such animal;

K. Any domesticated animal which howls, yelps, whines, barks, or makes other oral noises, in such a manner that unreasonably annoys, disturbs, or interferes with the comfort, repose, health or safety of any person;

L. Any domesticated animal which enters upon another person's property without the permission of that person;

M. Animals on any public property not under control by their owner or other competent person by a leash. This section shall not apply to a service animal if a leash would interfere with the service animal's work or the nature of the owner's or keeper's disability prevents use of a leash;

N. Animals kept, harbored, or maintained and known to have a contagious disease unless under the treatment of a licensed veterinarian;

O. Animals running in packs. (Ord. 2613 (part), 2017: Ord. 2405 § 3, 2012: Ord. 1760 § 2, 1996; Ord. 1340 § 15, 1986)

6.04.155 Rabies – Mandatory vaccination and quarantine.

A. All dogs and cats three months or older shall be vaccinated against rabies.

B. An owner of a dog or cat shall provide written documentation of rabies vaccination for a dog or cat when such written documentation is requested by a law enforcement officer or animal control officer as part of an investigation involving a dog or cat biting a human or animal.

C. In cases where a dog or cat has bitten a person or caused an abrasion of the skin, the animal shall be quarantined for a period of no less than 10 days. The purpose of the quarantine is to ensure no adverse health problems with the animal are detected. The quarantine may be completed at the owner's home, veterinary clinic or animal shelter as determined by the investigating law enforcement officer or animal control officer. (Ord. 2613 (part), 2017: Ord. 2405 § 4, 2012)

6.04.160 Police dog interference.

Repealed by Ord. 2324. (Ord. 1340 § 16, 1986)

6.04.170 Cruelty to animals.

It is unlawful:

A. For a person to knowingly, recklessly, or with criminal negligence inflict unnecessary suffering or pain upon an animal.

B. For an owner of an animal to knowingly, recklessly, or with criminal negligence:

1. Fail to provide the animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure;

2. To abandon the animal; or

3. Abandon the animal and: (a) as a result of being abandoned, the animal suffers bodily harm; or (b) abandoning the animal creates an imminent and substantial risk that the animal will suffer substantial bodily harm.

C. For a person to violate the provisions herein:

1. Violation of subsection (A), (B)(1), or (B)(2) of this section is a misdemeanor.

2. Violation of subsection (B)(3) of this section is a gross misdemeanor.

D. In any prosecution of animal cruelty under subsection (A) or (B)(1) of this section, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence, that the defendant's failure was due to economic distress beyond the defendant's control. (Ord. 2613 (part), 2017: Ord. 2324 § 5, 2010: Ord. 1340 § 17, 1986)

6.04.175 Confinement of an animal in a motor vehicle.

It is unlawful for an owner or person to confine any animal in a motor vehicle in such a manner that places it in a life- or health-threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of such animal, an animal control officer or law enforcement officer who has probable cause to believe that this section is being violated shall have the authority to enter such motor vehicle by any reasonable means under the circumstances, after making a reasonable effort to locate the owner. (Ord. 2613 (part), 2017: Ord. 2324 § 6, 2010)

6.04.177 Tethering of an animal.

A. Violation.

1. It is unlawful to restrain outside or tether a dog as follows, except for a period of time that is not reckless and is otherwise in compliance with this section:

a. If the dog is tethered in a manner that causes the dog injury or pain;

b. If the dog is tethered in a manner that results, or could reasonably result, in the dog becoming frequently entangled on the restraint or another object;

c. If there are multiple dogs tethered, and each dog is not on a separate tether and not secured to a separate fixed point;

d. With a tether that does not allow the dog to sit, lie down, and stand comfortably without the restraint becoming taut and that does not allow the dog a range of movement;

e. If the dog is ill, suffering from a debilitating disease, injured, in distress, in the advanced stages of pregnancy, or under six months of age;

f. If the dog does not have access to clean water and necessary shelter that is safe and protective, and constructed or attached in such a way that the dog cannot knock over the shelter or water vessel while tethered;

g. If the dog is tethered in a manner that results in the dog being left in unsafe or unsanitary conditions or that forces the dog to stand, sit, or lie down in its own excrement or urine;

h. If the dog is tethered by means of a choke, pinch, slip, halter, or prong-type collar, or by any means other than with a properly fitted buckle-type collar or harness that provides enough room between the collar or harness and the dog's throat to allow normal breathing and swallowing; and

i. If the weight of the tether unreasonably inhibits the free movement of the dog within the area allowed by the length of the tether.

2. It shall constitute an exception to subsections (A)(1)(b) through (e) of this section only if:

a. The dog is tethered while it is receiving medical care or treatment under the supervision of a licensed veterinarian or is being groomed;

b. The dog is tethered while participating temporarily in an exhibition, show, contest, or other event in which the skill, breeding, or stamina of the dog is judged or examined;

c. The dog is being kept temporarily at a camping or recreation area;

d. The dog is being cared for temporarily after having been picked up as a stray or as part of a rescue operation;

e. The dog is being transported in a motor vehicle or temporarily restrained or tied after being unloaded from a motor vehicle;

f. The dog is being trained or used by a federal, state, or local law enforcement agency or military or national guard unit; or

g. The dog is in the physical presence of the owner or person who keeps or controls the dog.

B. Penalty. Each incident involving a violation of this section is a separate offense. Any owner who violates this section is subject to the following penalties:

1. A first offense shall result in a correction warning being issued requiring the offense to be corrected by the owner, or person who keeps or controls the dog, within seven days after the date of the warning being issued in lieu of an infraction unless the offense poses an imminent risk to the health or safety of the dog or the dog has been injured as a result of the offense.

2. A second offense is a class 2 civil infraction under RCW 7.80.120(1)(b) and shall be subject to the maximum penalty allowed thereunder and as hereinafter amended.

3. A third or subsequent offense is a class 1 civil infraction under RCW 7.80.120(1)(a) and shall be subject to the maximum penalty allowed thereunder and as hereinafter amended. (Ord. 2613 (part), 2017)

6.04.180 Poisonous snakes and reptiles.
Repealed by Ord. 2324. (Ord. 1340 § 18, 1986)

6.04.190 Enforcement power.
A. The director and his/her authorized animal control officers are authorized to take such lawful action, including the authority to issue citations and infractions, as may be required to enforce the provisions of this chapter as they pertain to animal cruelty, shelter, welfare and enforcement of control.

B. The director or his/her authorized animal control officer shall not enter a building designated for and used for private purposes, unless a proper warrant has first been issued upon a showing that the officer has reasonable cause to believe an animal is being maintained in the building in violation of this chapter; provided, however, that the director and his/her authorized animal control officers, while pursuing or observing any animal in violation of this chapter may enter upon any public or private property, except any building designated for and used for private purposes, for the purpose of abating the animal violation being pursued or observed.

C. No person shall deny, prevent, obstruct or attempt to deny, prevent or obstruct an animal control officer or law enforcement officer from pursuing any animal observed to be in violation of this chapter. Further, no person shall fail or neglect, after a proper warrant has been presented, to promptly permit the director or the authorized animal control officer to enter private property to perform any duty imposed by this chapter. Any person in violating this subsection is guilty of a misdemeanor. (Ord. 2613 (part), 2017: Ord. 1760 § 3, 1996; Ord. 1340 § 19, 1986)

6.04.200 Impoundment – Authority – Holding.
The director and his/her authorized representative may impound any animals found doing any of the acts defined as a public nuisance, found abandoned, and/or being subjected to cruel treatment as defined by law and herein. After such animals are impounded, the animal control authority shall ascertain whether the animal is licensed or otherwise identifiable and, if reasonably possible, return the animal to the owner together with a notice of violation of this chapter, and if it is not reasonably possible to immediately return the animal to its owner, or if the owner cannot be identified or located, the animal control authority shall notify the owner within five business days by certified mail to the owner's last known address or telephone that the animal has been impounded and may be redeemed. Any animal impounded pursuant to this chapter shall be held for the owner at least 72 hours after receipt of notification by certified mail or by telephone from the impounding agency. Notice via certified mail to owner's last known address is deemed received three days after mailing by the animal control authority. See SMC 6.04.030 for impound

fees. Any animal suffering from serious injury or disease may be humanely destroyed, or, at the discretion of the impounding authority, may be held for a longer period and redeemed by any person on payment of charges not exceeding those prescribed herein. (Ord. 2613 (part), 2017: Ord. 2257 § 1 (part), 2008: Ord. 1901 § 7, 1999: Ord. 1340 § 20(A), 1986)

6.04.210 Impoundment – Redemption procedures.
The owner of any animal impounded pursuant to the provisions of SMC 6.04.200 may redeem it within 72 hours from the time of impounding, upon payment of the fees and costs set forth in SMC 6.04.030. Any such animal not redeemed within 72 hours after being impounded shall be deemed abandoned and may be humanely destroyed or adopted at the discretion of the impounding authority; provided, however, any animal so impounded less than two months of age may be humanely destroyed or adopted at any time after impounding. Livestock not redeemed may be sold at public auction by the impounding agency. The boarding cost for livestock impounded not boarded at the shelter shall be paid by the owner to the boarding facility/stockyard. (Ord. 2613 (part), 2017: Ord. 2324 § 8, 2010: Ord. 2257 § 1 (part), 2008: Ord. 1901 § 8, 1999: Ord. 1340 § 24, 1986)

6.04.220 Mandatory spay/neuter and microchipping for impounded dogs and cats – Deposit – Refund – Exception.
A. Mandatory Spay/Neuter and Microchip – Deposit. No unaltered dog or cat that is impounded more than once in any 12-month period may be redeemed by any person until the animal has been neutered/spayed and microchipped and a sum of $75.00 is deposited with the animal control authority to cover the cost for the spaying or neutering and microchipping the animal.

B. Refund. The deposit shall be refunded upon a showing of proof of alteration and microchipping from a licensed veterinarian. If there is no proof of alteration and microchipping within one year from date of deposit, Metro will retain the deposit.

C. Exception. The deposit shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian that the spay, neuter or microchip installation procedure would be harmful to the animal. (Ord. 2780 § 1, 2021; Ord. 2613 (part), 2017: Ord. 2257 § 1 (part), 2008: Ord. 1901 § 9, 1999: Ord. 1340 § 20(B), 1986)

6.04.230 Impoundment – Inspections.
The city council is empowered to conduct inspections of facilities receiving animals to insure that animals are treated humanely. (Ord. 2613 (part), 2017: Ord. 1901 § 10, 1999: Ord. 1340 § 20(C), 1986)

6.04.240 Feral cats and dogs.
Feral cats and dogs can spread disease in the animal shelter. As a result, any cat or dog impounded that is determined by the animal control officer to be feral will be separated from the other animal(s) in the shelter and will be humanely destroyed as soon as possible. (Ord. 2613 (part), 2017: Ord. 1901 § 11, 1999: Ord. 1340 § 20(D), 1986)

6.04.250 Animal availability for research.
Repealed by Ord. 1901. (Ord. 1340 § 20(E), 1986)

6.04.260 Legal or equitable enforcement action.
Notwithstanding the existence or use of any other remedy, the director may seek legal or equitable relief to enjoin acts or practices and abate any conditions which constitute a violation of this chapter, or other regulations adopted in this chapter. (Ord. 2613 (part), 2017: Ord. 1340 § 21, 1986)

6.04.270 Enforcement by notice and order.
Repealed by Ord. 2324. (Ord. 1340 § 22, 1986)

6.04.280 Appeals.
Repealed by Ord. 2324. (Ord. 1901 § 12, 1999: Ord. 1340 § 23, 1986)

6.04.290 Nuisance abatement – Generally.
Repealed by Ord. 2324. (Ord. 1340 § 25(A), 1986)

6.04.300 Violation – Criminal and civil penalty.

A. Any person found in violation of SMC 6.04.170(B)(3) is guilty of a gross misdemeanor and upon conviction shall be punished by a fine not to exceed $5,000, or by imprisonment in jail not to exceed 365 days, or by both such fine and imprisonment.

B. Any person violating any of the remaining provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed $1,000, or by imprisonment in jail not to exceed 90 days, or by both such fine and imprisonment; provided, that any person who shall violate the provisions of SMC 6.04.030(A) or 6.04.150(A), (C), (D), (E), (F), (G), (H), (I), (K), (L), (M), and (O) shall be deemed to have committed an infraction and shall be punished by a maximum penalty of $250.00. (Ord. 2613 (part), 2017: Ord. 2324 § 12, 2010: Ord. 2281 § 3 (part), 2008; Ord. 1760 § 4, 1996: Ord. 1340 § 26(A), 1986. Formerly 6.04.310.)

6.04.305 Habitual offender.

Any person who, after receiving two or more convictions, singularly or in combination, of crimes relating to animals within a 10-year period, or any combination of two findings of potentially dangerous and/or dangerous animals within 10 years, or any four infractions, singularly or in combination, found to be committed in any municipal or district court within a five-year period may be designated as a “habitual violator” by the director and shall be prohibited from owning animals for a period of not less than 10 years. A violation of this prohibition shall be a gross misdemeanor, punished by a maximum penalty of a fine not to exceed $5,000, or by imprisonment in jail not to exceed 364 days, or by both such fine and imprisonment. (Ord. 2613 (part), 2017)

6.04.310 Violations – Abatement.

Repealed by Ord. 2324. (Ord. 2281 § 3 (part), 2008; Ord. 1760 § 5, 1996: Ord. 1340 § 26(B), 1986. Formerly 6.04.320.)

Chapter 6.08

DOG FECES REMOVAL

Sections:
6.08.010 Allowing deposit prohibited.
6.08.020 Removal of feces deposited.
6.08.030 Proper disposal.
6.08.040 Violation – Civil infraction.

6.08.010 Allowing deposit prohibited.

No person owning or in charge of any dog shall cause or allow such dog to soil, defile, defecate on any common thoroughfare, sidewalk, passageway, bypath, play area, park, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property, without the permission of the owner of the property. (Ord. 1317 § 1, 1985)

6.08.020 Removal of feces deposited.

Any person owning or in charge of any dog which soils, defiles, defecates on any common thoroughfare, sidewalk, passageway, bypath, play area, park, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property, without the permission of the owner of the property, shall immediately remove all feces deposited by any such dog, in a sanitary manner. (Ord. 1317 § 2, 1985)

6.08.030 Proper disposal.

The feces removed from the aforementioned designated areas shall be disposed of by the person owning or in charge of any such dog in a sealed, nonabsorbent, leakproof container. (Ord. 1317 § 3, 1985)

6.08.040 Violation – Civil infraction.

Any violation of the provisions of this chapter shall be a Class 2 civil infraction and any person found in violation thereof shall be assessed a monetary penalty in an amount not to exceed $125.00 plus applicable statutory assessments. (Ord. 2541 § 5, 2015: Ord. 1317 § 4, 1985)

Chapter 6.10

DANGEROUS AND POTENTIALLY DANGEROUS DOGS

Sections:

6.10.010 General provisions.
6.10.020 Declaring dog as potentially dangerous.
6.10.030 Appealing the declaration of potentially dangerous dog.
6.10.040 Permits for potentially dangerous dogs.
6.10.050 Declaring dog as dangerous.
6.10.060 Appealing the declaration of dangerous dog.
6.10.070 Permits for dangerous dogs.
6.10.080 Confinement of potentially dangerous or dangerous dog.
6.10.090 Notification of status of potentially dangerous or dangerous dog.
6.10.095 Potentially dangerous or dangerous dogs temporarily located within this jurisdiction.
6.10.100 Relocating a potentially dangerous or dangerous dog from another jurisdiction.
6.10.110 Vacating a dangerous or potentially dangerous dog declaration.
6.10.120 Violations.

6.10.010 General provisions.

A. Definitions. In construing the provisions of this chapter, unless the context clearly requires otherwise, the definitions in SMC 6.04.020 shall apply. In addition, the following definitions shall apply to each reference to the following words or phrases:

1. “Director” means the police chief of the city in which the dog resides or is kept, or the police chief’s designee.

2. “Exhaustion of the appeal process” means that the owner has declined and/or failed to appeal the matter further or has exhausted all appeal options.

3. “Metro” means Metro Animal Services.

4. “Municipal court” means the court or hearing examiner designated, by the city in which the dog resides or is kept, to handle appeals of dangerous dog and potentially dangerous dog declarations.

5. “Premises” means the registered owner’s current address that has been inspected and approved by Metro.

Except where otherwise plainly declared or clearly apparent from the context, words used in this chapter shall be given their common and ordinary meaning.

B. Calculating Deadlines. If the deadline to comply with any requirement of this chapter falls on a day that Metro Animal Services is closed, the deadline shall be extended to the next day that Metro Animal Services is open to the public.

C. All notices, declarations, and final determinations required to be served on an owner shall be served in one of the following methods:

1. Certified mail, return receipt requested, and regular mail to owner’s last known address; or

2. Personally; or

3. If the owner cannot be located after diligent attempts to serve the owner by one of the first two methods, by posting the declaration in a conspicuous place at the owner’s last known address.

When service is accomplished by mail pursuant to subsection (C)(1) of this section, service shall be considered complete on the third day after the item is postmarked.

D. This chapter does not apply to dogs used by law enforcement officials for police work. (Ord. 2676 § 1 (part), 2019)

6.10.020 Declaring dog as potentially dangerous.

A. Metro may find and declare a dog potentially dangerous if any animal control officer has probable cause to believe that the dog falls within the definitions set forth in SMC 6.04.020(U) and the exclusions contained in this section do not apply.

1. The written finding must be based upon:

a. The written complaint of a citizen who is willing to testify that the dog has acted in a manner which causes it to fall within the definition of SMC 6.04.020(U); or

b. Dog bite reports filed with the Metro; or

c. Actions of the dog witnessed by any animal control officer or law enforcement officer; or

d. Other substantial evidence.

2. Exclusions. A dog may not be declared potentially dangerous if Metro determines, by a preponderance of the evidence, that the threat, injury, or bite alleged to have been committed by the dog was sustained by a person who was at the time committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or who was tormenting, abusing, or assaulting the animal, or who has been in the past observed or reported to have tormented, abused, or assaulted the dog, or who was committing or attempting to commit a crime.

B. Notice to Declare. If any animal control officer determines there is probable cause to declare a dog potentially dangerous, Metro must provide the dog owner with notice that the dog will be declared potentially dangerous. Fifteen days after the notice is served, unless such notice is otherwise rescinded by Metro or the director, the dog will be deemed potentially dangerous pursuant to this chapter.

1. Contents of Notice. The notice shall be in writing and shall state the statutory basis for the declaration, the reasons Metro considers the dog potentially dangerous, a statement that the dog is subject to permitting and other restrictions required by this chapter, including a recitation of the restrictions and requirements in SMC 6.10.040 (permitting), 6.10.080 (confinement), and 6.10.090 (notification), an explanation of the owner's rights, the proper procedure for appealing the declaration, and the opportunity to meet with the director and give reasons or information as to why the dog should not be declared potentially dangerous. The meeting must be requested by the owner and must take place within 15 days of service of the notice. The director has authority to extend the 15-day deadline for the meeting under extenuating circumstances.

2. Restrictions. Upon service of the notice, the dog shall at all times be confined pursuant to SMC 6.10.080. Furthermore, the owner must comply with all requirements set forth in SMC 6.10.090.

3. Meeting. If, within 15 days after service of the notice, the owner requests a meeting with the director, the director shall notify the owner of the date, time, and location for such meeting. During such meeting, the director will determine whether the owner has established good cause for the notice to be rescinded and will orally inform the owner of his or her decision at such time. Following the meeting, the director shall serve the owner with a written letter explaining the director's decision. If the director rescinds the notice, the dog will not be deemed potentially dangerous and no further action is required by the owner.

4. Effect of Notice. On the sixteenth day following service of the notice to declare, unless said notice is rescinded by Metro or the director, the dog shall be deemed potentially dangerous. (Ord. 2676 § 1 (part), 2019)

6.10.030 Appealing the declaration of potentially dangerous dog.

If the owner wishes to appeal the declaration of potentially dangerous dog:

A. The owner shall submit a written notice of appeal to the municipal court together with the applicable fee charged by the city in which the dog resides or is kept for dangerous dog appeals, and shall serve a copy of the same upon

Metro within 15 calendar days of the day the dog is deemed to be potentially dangerous pursuant to the notice to declare described in SMC 6.10.020(B).

B. On appeal before the municipal court, the burden shall be on the city to prove the declaration of potentially dangerous dog, as defined in SMC 6.04.020(U), is supported by a preponderance of the evidence. The municipal court shall set a hearing on the appeal with notice to all parties of the date, time, and location of the hearing.

C. The hearing before the municipal court is not subject to the evidentiary rules of the court system, but shall be guided by the concept of due process. Evidence, including hearsay evidence, is admissible if in the judgment of the court it is the kind of evidence upon which reasonably prudent persons are accustomed to rely upon in the conduct of their affairs. The court may exclude evidence that is irrelevant, unreliable, immaterial, or unduly repetitious.

D. The municipal court shall have the authority to make the following determination on appeal:

1. Rescind the declaration of potentially dangerous dog;

2. Uphold the declaration of potentially dangerous dog; or

3. Condition the declaration of potentially dangerous dog for a period not to exceed 12 months, at which time the municipal court shall conduct a review hearing to determine if sufficient evidence supports maintaining the declaration of potentially dangerous dog. During any period of conditional declaration, the owner shall obtain a potentially dangerous dog permit and comply with all provisions set forth in SMC 6.10.040 (permitting), 6.10.080 (confinement), and 6.10.090 (notification). The owner is responsible for requesting a review hearing at the end of the conditional declaration period. The conditional declaration shall remain in effect until it is revised or rescinded by the municipal court.

E. If the owner wishes to appeal the municipal court's decision, the appeal must be filed with the clerk of the Pierce County superior court, and a copy of the appeal served upon Metro, within 15 calendar days of the date of the municipal court's written decision.

F. While any appeal is pending, the provisions of SMC 6.10.080 and 6.10.090 shall apply. (Ord. 2676 § 1 (part), 2019)

6.10.040 Permits for potentially dangerous dogs.

A. It is unlawful for an owner to have a potentially dangerous dog in the city without a current permit issued under this section. Within 15 calendar days following either: (1) the expiration of the appeal deadline, if no appeal is filed, or (2) service of a decision affirming the declaration on appeal after exhaustion of the appeal process, the owner of a potentially dangerous dog shall obtain a permit from Metro.

B. Permit Submittals. Metro may issue a permit to the owner of a potentially dangerous dog if the owner completes the following:

1. Provides payment of the permit fee;

2. Provides proof that the dog has been microchipped (and microchip number is provided);

3. Provides a current, color, digital photograph (in electronic format) each of the front and the profile/side of the dog (minimum three inches by five inches in size) for identification purposes;

4. Provides proof of current rabies vaccination;

5. Provides proof of a policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least $100,000, insuring the owner for any personal injuries or property damage inflicted by the potentially dangerous dog; and

6. Demonstrates the following to Metro during an inspection of the premises:

a. The dog is confined in a proper enclosure as defined in SMC 6.04.020(CC);

b. There is a conspicuously posted and clearly visible warning sign as defined in SMC 6.04.020(DD);

c. The dog is wearing a current license tag; and

d. Possession of a muzzle for the dog as defined in SMC 6.04.020(EE). The muzzle must be available at the time of inspection.

The inspection by Metro, and any reinspections that may be necessary, must be scheduled within 10 calendar days after the end of the 15-day appeal deadline, if no appeal is made, or service of a decision affirming the declaration on appeal after exhaustion of the appeal process, if an appeal is made. An owner who fails to pass inspection shall pay a $50.00 reinspection fee per occurrence. Reinspection must occur during the prescribed 10-calendar-day period.

C. Permit Renewal. The owner of a potentially dangerous dog shall renew the potentially dangerous dog permit annually and within 30 days of the expiration of the permit. To renew the permit, the owner must provide the following to Metro:

1. Proof of current rabies vaccination;

2. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least $100,000, insuring the owner for any personal injuries and property damage inflicted by the potentially dangerous dog; and

3. Payment of the renewal fee. See SMC 6.04.030(B).

D. With no less than 48 hours' notice, Metro has the right to inspect the premises and ensure adherence to the requirements herein. (Ord. 2676 § 1 (part), 2019)

6.10.050 Declaring dog as dangerous.

A. Metro may find and declare a dog dangerous if any animal control officer has probable cause to believe that the dog falls within the definitions set forth in SMC 6.04.020(V) and the exclusions contained in this section do not apply. The written finding must be based upon:

1. The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of SMC 6.04.020(V); or

2. Dog bite reports filed with Metro; or

3. Actions of the dog witnessed by any animal control officer or law enforcement officer; or

4. Other substantial evidence.

B. Exclusions. A dog shall not be declared dangerous if Metro determines, by a preponderance of the evidence, that the threat, injury, or bite alleged to have been committed by the dog was sustained by a person who was at the time committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or who was tormenting, abusing, or assaulting the dog, or who has been in the past observed or reported to have tormented, abused, or assaulted the dog, or who was committing or attempting to commit a crime.

C. Notice to Declare. If any animal control officer determines there is probable cause to declare a dog dangerous, Metro must provide the dog owner with notice that the dog will be declared dangerous. Fifteen days after the notice is served, unless such notice is otherwise rescinded by Metro or the director, the dog will be deemed dangerous pursuant to this chapter.

1. Contents of Notice. The notice shall be in writing and shall state the statutory basis for the declaration, the reasons Metro considers the dog dangerous, a statement that the dog is subject to permitting and other restrictions required by this chapter, including a recitation of the restrictions in SMC 6.10.070 (permitting), 6.10.080 (confinement), and 6.10.090 (notification), an explanation of the owner's rights, the proper procedure for appealing the declaration, and the opportunity to meet with the director and give reasons or information as

to why the dog should not be declared dangerous. The meeting must be requested by the owner and must take place within 15 days of service of the notice. The director has authority to extend the 15-day deadline for the meeting under extenuating circumstances.

2. Restrictions. Upon service of the notice, the dog shall at all times be confined pursuant to SMC 6.10.080. Furthermore, the owner must comply with all requirements set forth in SMC 6.10.090.

3. Meeting. If, within 15 days after service of the notice, the owner requests a meeting with the director, the director shall notify the owner of the date, time, and location for such meeting. During such meeting, the director will determine whether the owner has established good cause for the notice to be rescinded or amended from dangerous to potentially dangerous, and will orally inform the owner of its decision at such time. Following the meeting, the director shall serve the owner with a written letter explaining the director's decision. If the director rescinds the notice, the dog will not be deemed dangerous and no further action is required by the owner. If the director amends the notice to declare from dangerous to potentially dangerous, the same appeal period applies as if the notice to declare had not been amended.

4. Effect of Notice. On the sixteenth day following service of the notice to declare, unless said notice is rescinded or amended by Metro or the director, the dog shall be deemed dangerous. (Ord. 2676 § 1 (part), 2019)

6.10.060 Appealing the declaration of dangerous dog.

If the owner wishes to appeal the declaration of dangerous dog:

A. The owner shall submit a written notice of appeal to the municipal court together with the applicable fee charged by the city in which the dog resides or is kept for dangerous dog appeals, and shall serve a copy of the same upon Metro within 15 calendar days of the day the dog is deemed to be dangerous pursuant to the notice described in SMC 6.10.050(C).

B. On appeal before the municipal court, the burden shall be on the city to prove the declaration of dangerous dog, as defined in SMC 6.04.020(V), is supported by a preponderance of the evidence. The municipal court shall set a hearing on the appeal with notice to all parties of the date, time, and location of the hearing.

C. The hearing before the municipal court is not subject to the evidentiary rules of the court system, but shall be guided by the concept of due process. Evidence, including hearsay evidence, is admissible if in the judgment of the court it is the kind of evidence upon which reasonably prudent persons are accustomed to rely upon in the conduct of their affairs. The court may exclude evidence that is irrelevant, unreliable, immaterial, or unduly repetitious.

D. The municipal court shall have the authority to make the following determination on appeal:

1. Rescind the declaration of dangerous dog;

2. Uphold the declaration of dangerous dog; or

3. Condition the declaration of dangerous dog for a period not to exceed 12 months, at which time the Sumner municipal court shall conduct a review hearing to determine if sufficient evidence supports maintaining the declaration of dangerous dog. During any period of conditional declaration, the owner shall obtain a dangerous dog permit and comply with all provisions set forth in SMC 6.10.070 (permitting), 6.10.080 (confinement), and 6.10.090 (notification). The owner is responsible for requesting a review hearing at the end of the conditional declaration period. The conditional declaration shall remain in effect until it is revised or rescinded by the municipal court.

E. If the owner wishes to appeal the municipal court's decision, the appeal must be filed with the clerk of the Pierce County superior court, and a copy of the appeal served upon Metro, within 15 calendar days of the date of the municipal court's written decision.

F. While any appeal is pending, the provisions of SMC 6.10.080 and 6.10.090 shall apply. (Ord. 2676 § 1 (part), 2019)

6.10.070 Permits for dangerous dogs.

A. It is unlawful for an owner to have a dangerous dog in the city without a current permit issued under this section. Within 15 calendar days following either (1) the expiration of the appeal deadline, if no appeal is filed, or (2) service of a decision affirming the declaration on appeal after exhaustion of the appeal process, the owner of a dangerous dog shall obtain a permit from Metro.

B. Permit Submittals. Metro may issue a permit to the owner of a dangerous dog if the owner completes the following:

1. Provides payment of the permit fee;

2. Provides proof that the dog has been microchipped (and microchip number provided);

3. Provides a current, color, digital photograph (in electronic format) each of the front and the profile/side of the dog (minimum three inches by five inches in size) for identification purposes;

4. Provides proof of current rabies vaccination;

5. Provides proof of a policy of liability insurance (such as homeowner's insurance) issued by an insurer qualified under RCW Title 48 in the amount of at least $500,000, insuring the owner for any personal injuries and property damage inflicted by the dangerous animal;

6. Demonstrates the following to Metro during an inspection of the premises:

a. The dog is confined in a proper enclosure as defined in SMC 6.04.020(CC);

b. There is a conspicuously posted and clearly visible warning sign as defined in SMC 6.04.020(DD);

c. The dog is wearing a current license tag; and

d. Possession of a muzzle for the dog as defined in SMC 6.04.020(EE). The muzzle must be available at the time of inspection.

The inspection by Metro, and any reinspections, must be scheduled within 10 calendar days after the end of the 15-day appeal deadline, if no appeal is made, or service of a decision affirming the declaration on appeal after exhaustion of the appeal process, if an appeal is made. An owner who fails to pass inspection will be subject to a $50.00 reinspection fee per occurrence. Reinspection must occur during the prescribed 10-calendar-day period.

C. Permit Renewal. The owner of a dangerous dog shall renew the dangerous dog permit annually and no later than 30 days of the expiration of the permit. To renew the permit, the owner must provide the following to Metro:

1. Proof of a current rabies vaccination;

2. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least $500,000, insuring the owner for any potential injuries and property damage inflicted by the dangerous dog; and

3. Payment of the renewal fee. See SMC 6.04.030(B).

D. With no less than 48 hours' notice, Metro has the right to inspect the premises and ensure adherence to the requirements herein. (Ord. 2676 § 1 (part), 2019)

6.10.080 Confinement of potentially dangerous or dangerous dog.

Every dangerous or potentially dangerous dog must at all times be confined and controlled as follows:

A. On the premises in a proper enclosure as defined in SMC 6.04.020(CC);

B. In an area completely enclosed by a fence of sufficient height, substance, and condition to prevent the escape of the dog while under the direct, in person, supervision of a person 18 years or older who is capable of preventing the escape of the dog from the fenced area; or

C. If beyond the premises, then securely leashed and humanely muzzled while under the direct supervision of a person 18 years or older who is capable of controlling the dog, and any other restrictions deemed necessary by Metro.

These restrictions apply while an appeal of the potentially dangerous dog declaration or dangerous dog declaration is pending. (Ord. 2676 § 1 (part), 2019)

6.10.090 Notification of status of potentially dangerous or dangerous dog.
A. The owner of a dog that has been declared potentially dangerous or dangerous dog shall immediately notify Metro when such dog:

1. Is loose or unconfined; or

2. Has bitten or otherwise injured a human being or attacked another animal or livestock; or

3. Is sold or given away or dies; or

4. Is permanently relocated to another address; or

5. Is temporarily moved to another address for longer than 30 days.

B. At least 48 hours prior to a potentially dangerous or dangerous dog being sold, moved or given away, the owner shall provide the name, address, and telephone number of the new owner to Metro. Prior to selling, moving, or giving the dog away, the owner shall also notify the new owner that the dog has been declared potentially dangerous or dangerous. The new owner shall comply with all of the requirements of this chapter.

These restrictions apply while an appeal of the potentially dangerous dog declaration or dangerous dog declaration is pending. (Ord. 2676 § 1 (part), 2019)

6.10.095 Potentially dangerous or dangerous dogs temporarily located within this jurisdiction.
Any dog that is declared dangerous or potentially dangerous by another jurisdiction shall, at all times that the dog is located within the city, comply with the confinement restrictions imposed by SMC 6.10.080, regardless of whether the dog resides in the city. (Ord. 2781 § 1 (Exh. A), 2021)

6.10.100 Relocating a potentially dangerous or dangerous dog from another jurisdiction.
Upon relocation to this city, any dog that is declared dangerous or potentially dangerous by another jurisdiction shall comply with all dangerous or potentially dangerous dog obligations imposed by this chapter as follows: (1) upon relocation to this city, the owner shall immediately comply with the confinement restrictions in SMC 6.10.080 and the notification requirements of SMC 6.10.090, and (2) within 15 working days, the owner shall obtain a dangerous or potentially dangerous dog permit from Metro. For purposes of this provision, a dog shall be considered to have relocated to this city when either: (1) the owner of the dog resides within the city, or (2) the dog has been physically present or kept in the city for more than 15 days. A dog shall be considered “kept in the city” for any particular day even when the dog is taken out of the city for a day trip or errand. (Ord. 2781 § 1 (Exh. A), 2021; Ord. 2676 § 1 (part), 2019)

6.10.110 Vacating a dangerous or potentially dangerous dog declaration.
A. Dogs Declared Dangerous or Potentially Dangerous by Metro. Three years after a dog has been declared potentially dangerous or dangerous, the owner may request that Metro vacate the declaration by serving such a request to Metro along with the applicable fee charged by the city in which the dog resides or is kept. A vacancy shall not be considered unless the dog has been in compliance and has no violations of the restrictions and permitting requirements imposed as a result of the declaration for a minimum of three years. Upon receipt of a request to vacate a declaration, Metro shall provide the request to the director for consideration. The director may vacate the declaration if it determines that the declaration is no longer appropriate as a result of a change in the dog’s behavior due to age, health, training, and/or other factors. It is the owner’s burden to provide information to Metro in

support of vacating the declaration. There shall be no appeal from Metro's decision in response to a request to vacate a declaration.

B. Dogs Declared Dangerous or Potentially Dangerous by Another Jurisdiction. For any dog that has been declared potentially dangerous or dangerous by another jurisdiction, three years after the dog has resided within the city, the owner may request that Metro waive the permit requirement and confinement restrictions by serving such a request to Metro along with the applicable fee charged by the city in which the dog resides or is kept. A waiver shall not be considered unless the dog has been in compliance and has no violations of the restrictions and permitting requirements imposed as a result of the declaration for a minimum of three years. Metro may waive any such dangerous dog or potentially dangerous dog restrictions or requirements if it determines that such restrictions or requirements are no longer appropriate as a result of a change in the dog's behavior due to age, health, training, and/or other factors. It is the owner's burden to provide information to Metro in support of waiving the restrictions and requirements. There shall be no appeal from Metro's decision in response to a waiver request under this section. (Ord. 2781 § 1 (Exh. A), 2021; Ord. 2676 § 1 (part), 2019)

6.10.120 Violations.

A. Criminal Penalties. It shall be unlawful for any person owning or harboring or having care of a potentially dangerous dog or dangerous dog to allow or permit such dog to be in violation of SMC 6.10.040(A) (permitting for potentially dangerous dogs), 6.10.070(A) (permitting for dangerous dogs), 6.10.080 (confinement), 6.10.090(B) (notification), and 6.10.100 (relocating). Any such person found to be in violation of these provisions shall, upon conviction thereof, be found guilty of a gross misdemeanor punishable by imprisonment in jail of no more than 364 days or by fine of not more than $5,000, or both.

In addition and upon conviction, the court may order the seizure, impoundment, and/or forfeiture of any dog which is the subject of the criminal proceedings. Furthermore, any potentially dangerous or dangerous dog which attacks a human being, domestic animal, or livestock may be ordered destroyed when, in the court's judgment, such dog represents a continuing threat of serious harm to human beings or domestic animals. The court shall order any person convicted under this section to pay all costs of confinement, control, and/or destruction, including any necessary veterinary fees and the daily boarding fee outlined in SMC 6.04.030(B).

B. When Metro determines that a dog is in violation of any provision of this chapter, Metro is authorized to immediately seize and impound such dog. If, after notification to the owner regarding the violation, the owner fails to correct the violation within 15 days, Metro is authorized to destroy the dog.

Metro is authorized, but not required, to grant the owner an extension of time to correct the violation before destruction of the dog. The owner shall pay all costs of confinement and control, including any necessary veterinary fees and the daily boarding fee outlined in SMC 6.04.030(B), and all costs for the destruction of the dog. All costs must be paid before the dog may be redeemed by the owner.

C. In addition to the provisions of subsection (B) of this section, while an appeal is pending, Metro is authorized to immediately seize and impound the dog for the remainder of the appeal process when Metro determines that the dog is in violation of SMC 6.10.080 (confinement) or that the dog has inflicted a bite upon another animal or person. The owner shall pay all costs of confinement and control, including any necessary veterinary fees and the daily boarding fee outlined in SMC 6.04.030(B). All costs must be paid before the dog may be redeemed by the owner.

D. It shall be a Class 1 civil infraction, punishable by a fine not to exceed $250.00 plus statutory assessments, for any person owning or harboring or having care of a potentially dangerous dog or dangerous dog to allow or permit such dog to be in violation of SMC 6.10.095. (Ord. 2781 § 1 (Exh. A), 2021; Ord. 2676 § 1 (part), 2019)

Chapter 6.12

PIGS

(Repealed by Ord. 2852)

Chapter 6.14

POLICE DOGS

Sections:
6.14.010 Interference and abuse of police dogs prohibited.
6.14.020 Police dogs exempted from animal control provisions.
6.14.030 Violation – Punishment.

6.14.010 Interference and abuse of police dogs prohibited.

No person shall willfully torment, torture, beat, kick, strike or harass any dog used by a police department for police work, or otherwise interfere with the use of any such dog for police work by said department or its officers or members. (Ord. 2324 § 18 (part), 2010)

6.14.020 Police dogs exempted from animal control provisions.

All police dogs and all dogs being trained as police dogs shall be exempt from all the provisions of chapter 6.04 SMC relating to animal control, only when acting in their official or work-related capacity. When in an off-duty capacity, all police dogs and dogs being trained as police dogs shall be subject to all the provisions of the SMC relating to animal control except chapter 6.10 SMC related to dangerous and potentially dangerous dogs. (Ord. 2641 § 1, 2018: Ord. 2324 § 18 (part), 2010)

6.14.030 Violation – Punishment.

Any violation of the provisions of this chapter shall be punishable as a gross misdemeanor and may be punished by a fine of not more than $5,000 or imprisonment of not more than one year in jail, or by both such fine and imprisonment. (Ord. 2324 § 18 (part), 2010)

Chapter 6.16

EXOTIC ANIMALS

Sections:
6.16.010 Chapter purpose.
6.16.020 Possession unlawful – Exceptions.
6.16.030 Chapter limitations.
6.16.040 Euthanasia in exigent circumstances.
6.16.050 Registration approval process.
6.16.060 Registration requirements for animals currently owned – Content.
6.16.070 Registration – Issuance – Premises inspection.
6.16.080 Periodic inspection of premises.
6.16.090 Exotic animals – At large prohibited.
6.16.100 Chapter requirements.
6.16.110 Violation – Penalty.

6.16.010 Chapter purpose.

The purpose of this chapter is to preserve the public health, peace and safety by prohibiting the possession or maintenance of exotic animals other than in the case of certain limited exceptions as provided in SMC 6.16.030, and to limit and set conditions on exotic animals possessed or maintained as of the effective date of the ordinance codified in this chapter. (Ord. 2324 § 19 (part), 2010)

6.16.020 Possession unlawful – Exceptions.

It is unlawful for any owner to possess or maintain an exotic animal within the city of Sumner, unless the owner possessed or maintained the exotic animal on or before the effective date of the ordinance codified in this chapter; provided, the owner may continue to possess and maintain such animal until the animal expires, if within 30 calendar days the owner satisfies the registration requirements for such animals contained in this chapter and such rules and regulations as the animal control authority may adopt regarding the possession or maintenance of such animals. Failure to timely register an animal or to comply with the conditions of this chapter shall constitute a violation of this chapter. (Ord. 2324 § 19 (part), 2010)

6.16.030 Chapter limitations.

The provisions of this chapter shall not apply to any facility possessing or maintaining exotic animals which is owned, operated or maintained by any city, county, state or the federal government, including but not limited to public zoos, nor shall it apply to museums, laboratories and research facilities maintained by scientific or educational institutions, nor to private or commercial activities such as circuses, fairs, educational or entertainment exhibits or private zoological parks which are otherwise regulated by law, nor to any recognized program engaged in the training of exotic animals as defined in this title for use as service animals by disabled citizens. (Ord. 2324 § 19 (part), 2010)

6.16.040 Euthanasia in exigent circumstances.

For purposes of this title, “euthanasia” means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness, and death during such loss of consciousness.

A. Any exotic animal possessed or maintained in violation of this chapter may be subject to impoundment and euthanasia by the animal control authority if any one of the following exigent circumstances is deemed to exist by the animal control officer and confirmed by the director of the animal control program or his/her designee:

1. The exotic animal presents an imminent likelihood of serious physical harm to the public and there is no other reasonably available means of abatement. For the purposes hereof, if an exotic animal wanders or runs loose in the city, it shall be presumed that the exotic animal presents an imminent likelihood of serious physical harm to the public and there is no other reasonably available means of abatement; or

2. There is no reasonable basis to believe that the violation can be or in good faith will be corrected and after reasonable search or inquiry by the animal control authority no facility as authorized by local, state or federal law is available to house the exotic animal; or

3. The exotic animal suffers from a communicable disease injurious to other animals or human beings; provided, that this section shall not apply if the animal is under treatment by a licensed veterinarian and may reasonably be expected to recover without infecting other animals or human beings.

B. After an exotic animal has been impounded, as provided above, the animal control officer shall, as soon as feasible, notify the person who had possessed or maintained the exotic animal, if known, of the exigent circumstances deemed to exist that warranted the impoundment and euthanasia of the exotic animal. The person who had possessed or maintained the exotic animal or another person with an ownership interest in the exotic animal may appeal the determination to the director; provided, that the written appeal must be filed with the director within 10 days of the notice of impoundment referred to hereinabove. Failure to file a written appeal within the 10-day period will constitute a waiver of all rights to an administrative hearing and determination of the matter. Enforcement of any administrative decision shall be stayed during the pending of an appeal, except impoundment of any exotic animal. The director shall issue a written decision on an appeal within 10 days of the hearing. Any appeal from the director's decision must be filed in superior court within 30 days of the date of the director's written decision. (Ord. 2324 § 19 (part), 2010)

6.16.050 Registration approval process.

A. An owner who possesses or maintains an exotic animal on or before the effective date of the ordinance codified in this chapter may continue to possess or maintain such animal; provided, the owner registers said animal pursuant to the registration requirements of SMC 6.16.060 with the Sumner animal control authority within 30 calendar days of the effective date of the ordinance codified in this chapter.

B. As a condition of registration, the animal control officer may inspect the proposed premises and confinement device for the animal, which must meet the cage or confinement rules and regulations of the animal control authority. (Ord. 2324 § 19 (part), 2010)

6.16.060 Registration requirements for animals currently owned – Content.

For owners who currently possess or maintain exotic animals, a verified registration shall be filed by the owner with the animal control authority and shall contain the following information:

A. A legal or otherwise adequately precise description of the premises which applicant desires to use under the required registration;

B. Whether the applicant owns or rents the premises to be used;

C. If the applicant rents the premises, a written acknowledgement by the property owner that the applicant has the owner's permission to carry on the activity as described in the registration;

D. The extent of improvement upon such premises;

E. A map or diagram of such premises showing where the improvements are located thereon;

F. A statement indicating the species of exotic animal which the applicant currently possessed or maintained on or before the effective date of the ordinance codified in this chapter;

G. A statement indicating how the animal will be caged or otherwise confined, accompanied with a drawing detailing the dimensions of and the materials used for the cage or similar confinement; and such further information as may be required by rules and regulations of the animal control authority. (Ord. 2324 § 19 (part), 2010)

6.16.070 Registration – Issuance – Premises inspection.

If, upon review by the animal control authority, the animal control authority verifies that the owner/applicant is the owner, or if a tenant, has the written permission of the property owner as specified in SMC 6.16.060; and if all of the applicable rules and regulations of the animal control authority have been met, the animal control authority shall certify the exotic animal as properly registered and the owner is lawfully entitled to use the premises for the

possession or maintenance of the exotic animal(s) specified in such registration. Provided, however, that the animal control authority shall inspect the premises and confinement cage or other proposed confinement device to ensure all standards required for confining exotic animals as required by rule or regulation have been met. If, however, the cage or confinement device is deemed inadequate, the animal control authority may deny the registration. Where appropriate, the owner/applicant may be required to make such changes as necessary to meet the standards required before registration is approved. (Ord. 2324 § 19 (part), 2010)

6.16.080 Periodic inspection of premises.
The animal control authority or his/her designee may make routine, periodic inspections of an owner's premises and records in order to determine the number, kind, weight and condition of exotic animals possessed by the owner, and for purposes of enforcing the provisions of this chapter and the rules and regulations of the animal control authority. (Ord. 2324 § 19 (part), 2010)

6.16.090 Exotic animals – At large prohibited.
No person owning or having charge, custody, control, or possession of any exotic animal as defined in this title shall permit or allow the same to be at large at any place within the city, or within the premises of such person in such a manner as to endanger any person lawfully entering or upon such premises. Provided, this shall not apply to a person keeping or maintaining or having in his/her possession or under his/her control any exotic animal when such person is transporting such animal through the city; provided, such person has taken adequate measures to safeguard persons and property. (Ord. 2324 § 19 (part), 2010)

6.16.100 Chapter requirements.
A. Any exotic animal shall be kept in an approved containment device unless under the control of the owner of record or his/her designee.

B. Any exotic animal found outside the premises of record and not under the control of the owner or his/her designee will be impounded. If the conditions described in SMC 6.16.040 are not present, the exotic animal shall be released to the owner of record, if known, and prior to release to the owner of record, the owner shall pay the impound fee and the boarding fee as described in SMC 6.04.020. (Ord. 2324 § 19 (part), 2010)

6.16.110 Violation – Penalty.
Violation of any of the provisions of this chapter shall constitute a misdemeanor and may be punished by a fine not to exceed $1,000 and/or by incarceration in jail not to exceed 90 days. (Ord. 2324 § 19 (part), 2010)

Chapter 6.18

LIVESTOCK

Sections:
6.18.010 Definitions.
6.18.020 Keeping of small farm animals.
6.18.030 Keeping of large farm animals.
6.18.040 Livestock and poultry – At large restricted.
6.18.050 Animal sanitation.
6.18.060 Violation – Punishment.
6.18.080 Construction.

6.18.010 Definitions.

In construing the provisions of this chapter, except where otherwise plainly declared or clearly apparent from the context, words used in this chapter shall be given their common and ordinary meaning; in addition, the following definitions shall apply to each reference to the following words or phrases:

A. “Small farm animals” means small fowl, small livestock.

B. “Large farm animals” means large fowl, large livestock.

C. “Small fowl” means chickens, ducks, pigeons, pheasant (Golden, Amherst, etc.).

D. “Large fowl” means peacocks, geese, turkeys, emu/ostrich, etc.

E. “Small livestock” means miniature pigs such as Kune Kune, Juliana, or Potbelly breeds, miniature goats such as Nigerian or Pygmy breeds, rabbits.

F. “Large livestock” means horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules, etc. (Ord. 2852 § 1, 2023)

6.18.020 Keeping of small farm animals.

The keeping of small farm animals, including chickens, geese, ducks or other small fowl, rabbits, and miniature goats, and miniature pigs is permitted subject to the following standards:

A. The maximum number of all small fowl and small livestock permitted to a residence shall be:

1. Five small fowl per one-half to one acre. (Example: one-half to 1.99 acre equals five allowed; two acres equal 10 allowed.)

2. Small livestock one-half to one acre: two permitted. Each additional acre two per acre increase allowed.

3. All small fowl and livestock must be maintained in a manner that prevents accumulation of manure, debris, or excess feed to prevent rodents and other pests.

4. Structures and pens for small fowl and small livestock shall be in accordance with recommended sizes for the species and shall be sturdy, weatherproof, escape proof, fall within the zoning allowances for the property, and maintained in a clean fashion.

5. Structures will not be permitted within 25 feet of any property boundary, or occupied building on another’s property (current or hereafter constructed).

6. Male miniature goats and miniature pigs must be neutered.

7. Small farm animals and small livestock may not create a nuisance for the neighborhood. Such nuisances (noise, odor, etc.), confirmed by two separate neighboring residences by affidavit, must be abated within 30 days or the animals may be disallowed at the location.

8. Shelter shall be available in the form of a minimum two-sided pen, stall, or building with a cover which must conform to applicable building codes for the location. (Ord. 2852 § 1, 2023)

6.18.030 Keeping of large farm animals.

The keeping of large farm animals is permitted on properties over one acre; provided, that the property contains a minimum of one-half acre of lot area available as pasture, yard, or stall space for each two such animals in any combination. Any pen or building shall be located at least 100 feet from any neighboring building now existing and hereafter constructed, owned by any other person within the city, and must conform to applicable building codes for the location.

A. Permitted Uses.

1. Two large fowl per one-half to one acre with additional two per acre increase.

2. Two large livestock per one acre with additional two per acre increase.

3. All large livestock and fowl must be maintained in a manner that prevents accumulation of manure, debris, or excess feed to prevent rodents or other nuisance pests and odors.

4. Shelter shall be available in the form of a minimum two-sided pen, stall, or building with a cover which must conform to applicable building codes for the location.

5. Structures and pens for large fowl and livestock shall be in accordance with recommended sizes for the species and shall be sturdy, weatherproof, escape proof, fall withing the zoning allowances for the property, and be maintained in a clean fashion.

6. Any pen, stall, or building shall be located at least 100 feet from any neighboring building now existing and hereafter constructed, owned by any other person within the city.

7. Large farm animals and large livestock may not create a nuisance for the neighborhood. Such nuisances (noise, odor, etc.), confirmed by two separate neighboring residences by affidavit, must be abated within 30 days or the animals may be disallowed at the location. (Ord. 2852 § 1, 2023)

6.18.040 Livestock and poultry – At large restricted.

Livestock and poultry must be confined to the owner or caretaker's property boundaries and may not become at large. Livestock or poultry that is with a handler and under control by a normal lead, tether, halter, or reins is permitted. It is unlawful for any person owning or having the charge and control of any livestock or fowl to permit or allow the animals to enter or trespass upon private or public property without the express permission of the owner or caretaker of such property while not under control or at large. Any livestock or fowl at large may be seized and impounded. (Ord. 2852 § 1, 2023)

6.18.050 Animal sanitation.

Where any livestock, with the exception of small fowl, deposits any fecal matter upon any public sidewalk, street, alley or within any city park, playground, or cemetery, or upon any other public place or another's property, the keeper of said animal shall remove and dispose of such fecal matter before the keeper of the animal leaves the immediate area where the fecal matter was deposited. For purposes of this section, the "keeper of an animal" shall mean the person who has immediate possession and control of the animal while the animal is on public property as set forth above. (Ord. 2852 § 1, 2023)

6.18.060 Violation – Punishment.

Any party keeping livestock in violation of this chapter or failing or refusing to comply with the order of the animal control authority mentioned in SMC 6.04.020 shall be found to have committed a Class 1 civil infraction as adopted by reference and defined under RCW 7.80.120. Additionally, violations of this chapter are subject to the penalties outlined in SMC 6.04.305, Habitual offender. (Ord. 2852 § 1, 2023)

6.18.080 Construction.

If the provisions of this chapter are found to be inconsistent with other provisions of the Sumner Municipal Code, this chapter is deemed to control. (Ord. 2852 § 1, 2023)

CLE ELUM PUBLIC SAFETY & HEALTH COMMITTEE
MINUTES
DECEMBER 17, 2025
1:00 PM
119 W FIRST STREET
CLE ELUM, WA 98922

1. Call to Order, Pledge of Allegiance

Committee Members Present:
Cassidy Buechle-Curtis
Ken Ratliff
Beth Williams

Staff Present:
Matthew Lundh - Mayor
Debbie Lee - Clerk
Mathew Bailey - Public Works Director
Ed Mills - Fire Chief
Rich Albo - Police Chief

2. Unfinished Business

a. Municipal Code — Addressing (Fire/Police)

There has not been an update from legal review yet.

b. Cle Elum Municipal Code — Chapter 2.15 — Fire Department

Chief Mills provided updates that identify certain changes that need to be removed and forwarded to the attorneys for review to ensure they align with the bylaws.

c. Title 8 — Health & Safety

At the last meeting, the Public Safety & Health committee began discussions on which specific outdated sections should be prioritized.

Television and radio antenna provisions were discussed, with a message sent to Rob Omans, City Administrator regarding how often these issues actually arise.

There was also conversation around the thought process of amending fees so they align with other existing fees and reference comparable fee structures, with the understanding that this topic will be discussed further at the next meeting.

Regarding the junk vehicle section, Chief Albo has not yet had the opportunity to review it or the e-bike provisions and plans to begin work on these early next year after completing the house bill.

Section 8.16 was discussed with focusing on issues within the current code. The group agreed to revisit and review this section, as there are areas that could be tightened up, particularly by comparing junkyard and junk car provisions. Chief Albo suggested involving Jackie VonDongen, Code Enforcement Officer, would handle vehicles outside the right-of-way, while police enforce issues within the city right-of-way.

From a public works perspective, Matthew Bailey, Public Works Director, noted the development of a stormwater plan and an (NDS) Non-Domestic Source permit that includes language on illicit discharges. He suggested aligning language so that vehicles leaking fluids, damaged, or unlicensed are considered junk vehicles and removed at the owner's expense due to their impact on stormwater. Bailey will bring proposed language regarding ways to protect the environment and stormwater systems to the next meeting, and Buechle-Curtis will also connect with VonDongen on this matter.

Vehicles for sale in city rights-of-way were discussed and would generally be addressed under normal parking code enforcement. While grace and leeway are typically given, police noted that these situations should not be ignored. Additional areas of potential focus include false alarm reporting.

A reminder was made to send out a list of items to work on to all department heads and to ask if there are other areas the committee would like to prioritize, including camping on public property, to which Chief Albo noted that some language has already been added.

d. E-Bike — Discussion

Background information was discussed regarding when law enforcement began enforcing e-bike regulations and which RCWs are helpful in guiding enforcement. The RCWs provide clear examples of where e-bikes can be operated based on the class of device, clarifying where Class 1 and Class 2 e-bikes are allowed, while Class 3 usage depends on city code provisions that specify where they may be ridden.

Many people visit the area for recreation, while locals may hear updates, and visitors are likely to use e-bikes beyond city limits and recreate across multiple jurisdictions. It was emphasized that all jurisdictions should be considered when enacting this code. Chief Albo noted that Roslyn generally bans UTVs Utility Terrain Vehicles and focuses on education, with citations typically issued to repeat violators. While more reckless behavior complaints are less common, police have not received calls specifically related to e-bike issues.

Examples from an MRSC article were referenced, which included several municipal codes and offered considerations such as e-bike use in parks, and which classes should be permitted. The group also discussed e-motorcycles and e-bikes, noting the need to clearly identify and define e-motorcycle classes and determine appropriate regulations. Overall, there was agreement that any alignment on this issue would require further refinement of restrictions. A suggested starting point is to ask the city attorney for examples from other communities and build from there. Committee Member Ratliff questioned whether this is a high priority at the moment, while noting that awareness will likely increase as the community grows. Matthew Bailey, Public Works Director, expressed interest in getting

ahead of the issue proactively.

3. New Business

a. Cle Elum Public Safety & Health — Meeting Minutes — November 19, 2025

MOTION: Committee Member Ratliff made a motion to approve the Cle Elum Public Safety & Health meeting minutes dated November 19, 2025; seconded by Committee Member Williams.
MOTION CARRIED: 3 yes 0 no.

4. Other Committee Comments

Chief Albo shared an email communication from Councilmember Cook regarding Flock cameras. Cook recently attended an online course about these cameras, with a focus on privacy and security concerns. Chief Albo informed the committee that his office clerks notify him when a Public Records Request (PRR) regarding Flock cameras is submitted, noting that only in-state agencies have access.

Graffiti was also discussed, particularly in relation to municipal code provisions for privately owned property. The committee expressed interest in supporting the community by addressing graffiti in the near future. Both the sign code and vandalism code reference graffiti, and there was concern about incidents involving multiple occurrences in a single night. The committee discussed learning from other cities, such as Ellensburg, which may have more effective strategies. Chief Albo will reach out to Ellensburg for recommendations to share with the committee.

Concerning graffiti enforcement, he noted that misdemeanors depend on the damage caused, with cases exceeding $1,000 referred to the prosecutor. Ellensburg focuses heavily on prosecution, which could serve as a model for the city. Mayor Lundh added that enforcement is permitted on private property, with a 72-hour rule for abatement. The city has authorization to address nuisances directly if property owners do not act. Promptly covering graffiti improves the city's ability to manage the issue effectively, and the City of Auburn's code was cited as a concise example.

Regarding House Bill 2015, related to the Public Safety Tax, the submission is scheduled for tomorrow, and the city should receive confirmation of compliance within 180 days.

Chief Mills reported that the fire department is moving to AT&T for improved data coverage via First Net and to integrate with the new reporting system. The proposed changes would adjust current costs from $97 per month for a cell phone and two tablets to an additional $54 per month for three phones and seven tablets. Committee Member Ratliff noted that the budget has been approved by the treasurer and mayor, and if these changes are within the budget, they are allowable. The committee agreed that this would be an acceptable adjustment.

5. Adjournment

The meeting was adjourned at 1:54 p.m.

_____ _____

Cassidy Buechle - Curtis, Chair Debbie Lee, Clerk