

CITY ADMINISTRATOR
ROBERT OMANS

ASSISTANT CITY
ADMINISTRATOR
ERICA KRUM

CITY CLERK
DEBBIE LEE

FINANCE DIRECTOR
ROBIN NEWCOMB

PUBLIC WORKS DIRECTOR
MATHEW BAILEY

POLICE CHIEF
RICH ALBO

FIRE CHIEF
ED MILLS

PLANNING DIRECTOR
SHANNON JOHNSON

Study Session
Public Safety & Health Committee
March 12, 2026
10:00 AM



119 W FIRST STREET
CLE ELUM, WA 98922

MAYOR
MATTHEW LUNDH

DEPUTY MAYOR
CASSIDY BUECHLE - CURTIS

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

CITY ATTORNEY
CURTIS CHAMBERS

Join Virtually via Zoom: <https://zoom.us/j/7573184018?pwd=dERndiBJVC9GdVQ1d2ISRExwZFhXZz09>
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.

1. **Call to Order, Pledge of Allegiance, and Roll Call**
2. **New Business**
 - a. Title 8 — Health & Safety
3. **Other Committee Comments**
4. **Adjournment**

Upcoming Meetings:

Historical Preservation Commission Meeting — March 17, 2026, at 3:00 p.m.

Civil Service Commission Meeting — March 18, 2026, at 5:15 p.m.

Regular Council Meeting — March 24, 2026, at 6:00 p.m.

General Government Committee Meeting — March 25, 2026, at 8:30 a.m.

Planning Commission Meeting — March 31, 2026, at 6:00 p.m.

Coal Mines Trail Commission Meeting — April 6, 2026, at 4:00 p.m.

Public Works & Community Development Committee Meeting — April 7, 2026, at 1:00 p.m.

Lodging Tax & Events Committee Meeting — April 8, 2026, at 8:30 a.m.

Public Safety & Health Committee Meeting — April 9, 2026, at 9:00 a.m.

Summarized from last meeting:

- 8.04 (Manufacture, Storage, Preparation and Sale of Food) : Recommended to remove
- 8.32 (Storage of Automobiles): Recommended to remove
- 8.36 (Storage of Gasoline, Benzine or Naphtha): Confirm whether covered elsewhere and if so, recommended to remove
- 8.40 (Petroleum Fuel Burning Equipment): Confirm whether covered in building code
- 8.44 (Camping on Public Property): Recommend a study session
- 8.52 (Aircraft operation): Recommend a study session
- 8.6 (Code enforcement): Code enforcement should be included and recommend a study session

In addition to the above, some public education around (false) alarms such as educating on when to call for burning was discussed.

For discussion with committee

Recommended study session schedule:

March/April: False Alarms

May: Camping on Public Property

June/July: Code enforcement

August: Aircraft Operations

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**
- 8.70 Prohibition of the Sale and Distribution of Kratom**

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 of 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)

8.04.070Serving 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)

8.04.080Meat 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)

8.04.090Food 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)

8.04.100Access 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)

8.04.110Destruction 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 COLLECTION¹

Sections:

8.08.010 Definitions.

8.08.020 Uniform, mandatory and exclusive system.

8.08.030City garbage supervisor.
8.08.040Sanitary service fund.
8.08.050Exclusive collection procedure.
8.08.060Collection contracts – Continued.
8.08.061Deposit at designated disposal site.
8.08.070Collection contracts – Approval by city.
8.08.080Collection contract – Corporate surety bond required.
8.08.090Conclusive presumption of service.
8.08.100Vacant property.
8.08.110Frequency of collection.
8.08.120Garbage cans – Required.
8.08.130Types of cans – Maximum weight – Closure requirement.
8.08.140Garbage cans – Accessible to collectors.
8.08.150Garbage cans – Noncompliance tags.
8.08.160Separation may be required.
8.08.170Methods of disposal.
8.08.180Animal carcasses.
8.08.190Scattering or accumulating garbage or refuse prohibited.
8.08.200Schedule of charges.
8.08.210Payment of charges.
8.08.220Collector of garbage charges.
8.08.230Low income senior citizens – Reduced rates.
8.08.240Liens for delinquent charges.
8.08.250Inspection.
8.08.260Penalty for violation.
8.08.270Collection 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)

8.08.040Sanitary 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)

8.08.050Exclusive 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)

8.08.060Collection 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)

8.08.061Deposit 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)

8.08.070Collection 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)

8.08.080Collection 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)

8.08.090Conclusive 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)

8.08.100Vacant 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, 2026, 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	\$24.72
1 35-Gallon Cart	\$32.27
1 64-Gallon Cart	\$45.27
1 96-Gallon Cart	\$57.99
2 64-Gallon Cart	\$86.64
1 20-Gallon Cart – Senior	\$18.54
1 35-Gallon Cart – Senior	\$24.18
1 64-Gallon Cart – Senior	\$35.34
1 96-Gallon Cart – Senior	\$45.70

b. *Miscellaneous Residential Rates.*

Extra Garbage (bags on top or next to garbage cart)	\$9.19
Oversize/Overweight Units	\$13.73/Unit
Drive-In Charge	\$10.33
Carryouts per Cart > 5 ft. but < 25 ft.	\$2.36
Carryouts per Cart > 25 ft. and each increment of 25 ft. thereafter	\$1.81
Return Trips – Carts (per pickup)	\$9.56
Cart Replacement (due to customer abuse/damage)	\$133.29

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	\$48.52
1 64-Gallon Cart	\$68.69
1 96-Gallon Cart	\$101.08
2 64-Gallon Carts	\$137.36

2. *Miscellaneous Service.*

Return Trips – Carts (per pickup)	\$9.56
Carryouts per Cart (> 5 ft. but < 25 ft.)	\$0.56
Carryouts per Cart (> 25 ft. and each increment of 25 ft. thereafter)	\$0.60
Return Trips – Container (per pickup)	\$22.26
Roll-Out Container (per pickup)	\$5.38
Unlock Gate or Unlock Container (per month)	\$125.97
Disconnect Hydraulics (per pickup)	\$36.76
Bear-Proof Cans, 96-Gallon	\$70.98
Recycling 96-Gallon Cart (2x monthly service)	\$19.43

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

1.5-yard	\$252.64
2-yard	\$342.42
3-yard	\$504.79
4-yard	\$631.06
6-yard	\$875.15
8-yard	\$1,105.41
Extra Garbage (loose or over-filled)	\$51.46

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 Monthly Rent.*

20-yard	\$217.58
30-yard	\$324.05

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

5. *Rate per Haul.*

20-yard	\$386.82
30-yard	\$386.82

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, 2026, and every December 31st thereafter at a rate equal to increases imposed by Waste Management, or three percent, whichever is more, per year.

(Ord. 1714 § 1, 2025; 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)

8.08.240Liens 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)

8.08.250Inspection.

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)

8.08.260Penalty 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)

8.08.270Collection 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 8.12NUISANCES

Sections:

8.12.010Designated.

8.12.020Loud noises prohibited.

8.12.030Violation – Unlawful.

8.12.040Responsibility for premises.

8.12.050Responsibility of successive owner.

8.12.060Chapter not exclusive.

8.12.070Violation – Penalty.

8.12.080Violation – Abatement.

8.12.090Violation – 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, befoils, 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)

8.12.060Chapter 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)

8.12.070Violation – 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)

8.12.080Violation – 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)

8.12.090Violation – 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 8.13FALSE ALARMS

Sections:

8.13.010Purpose.

8.13.020False alarms.

8.13.030Recovery of costs.

8.13.010Purpose.

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)

8.13.020False 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)

8.13.030Recovery 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 8.16JUNK VEHICLES AND HULKS

Sections:

8.16.010Purpose.**8.16.020Definitions.****8.16.030Public nuisance declared.****8.16.035Inoperable vehicles as a nuisance.****8.16.040Exemptions.****8.16.050Abatement of junk vehicles on private property.****8.16.060Disposal by city.****8.16.070Warrants for entry.****8.16.080Lien.****8.16.090Additional enforcement procedure.****8.16.100Constitutionality or invalidity.****8.16.110Severability.**

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 statutes 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)

8.16.040Exemptions.

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)

8.16.050Abatement 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 provisions 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)

8.20.020Definitions.

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)

8.20.030Screening – 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)

8.20.040Screening – 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)

8.20.050Other 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)

8.20.060Violations – 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 FIREWORKS²

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)

8.28.110Chapter 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)

8.28.120Enforcement.

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)

8.28.130Penalty 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)

8.28.140Sale 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 8.32STORING OF AUTOMOBILES IN PUBLIC OR PRIVATE GARAGES

Sections:

8.32.010Construction.

8.32.020Storage of gasoline.

8.32.030Violation — Penalty.

8.32.010Construction.

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)

8.32.020Storage 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)

8.32.030Violation — 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 8.36STORAGE OF GASOLINE, BENZINE OR NAPHTHA

Sections:

8.36.010Storage restrictions.

Commented [CB1]: Confirm whether covered in another section of code

8.36.020Storage tanks.

8.36.030Quantity limitation.

8.36.040Labeling of cans.

8.36.050Violation – Penalty.

8.36.010Storage 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)

8.36.020Storage 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)

8.36.030Quantity 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)

8.36.040Labeling 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.

Commented [CB2]: Study session recommended by committee - post session once current legislative session is over

"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)

8.44.090No 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.

Commented [CB3]: Confirm that we can remove this or to what extent we want some sort of regulation around location and size - and recommended move to the building code

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 lightning 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)

8.48.100Maker 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)

8.48.110Applicability 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)

8.48.120Codes 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)

8.48.130Penalty 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 8.52AIRCRAFT OPERATION

Sections:

8.52.010Altitude restrictions.

8.52.020Dangerous maneuvers – Dropping articles while in flight.

8.52.030Landing within city limits.

8.52.040Establishing flying or landing fields – Permit.

8.52.050Helicopter landing.

Commented [CB4]: Study session recommended by the committee

8.52.010Altitude 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)

8.52.020Dangerous 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)

8.52.030Landing 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)

8.52.040Establishing 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.**

Commented [CB5]: Bring Jackie in and do a study session per the committee

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 "violation" 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)

8.60.090Infractions.

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)

8.60.100Voluntary 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)

8.60.130Response 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)

8.60.140Scheduling 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)

8.60.150Contested 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)

8.60.220Right 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)

Chapter 8.70PROHIBITION OF THE SALE AND DISTRIBUTION OF KRATOM

Sections:

8.70.010Definitions.

8.70.020Sale and distribution of kratom prohibited.

8.70.030Violation – Penalty.

8.70.010Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings set forth in this section:

"Distribute" means to furnish, give away, exchange, transfer, deliver, or supply, whether or not for monetary gain.

"Kratom" or "kratom product" means the plant *Mitragyna speciosa* and its leaves, or any derivative that contains any part of the leaf of the plant, or any extract, synthetic alkaloid, or synthetically derived compounds of such plant or its leaf containing mitragynine or 7-hydroxymitragynine ("7-OH"), including, but not limited to, any powder, capsule, pill, beverage, or other product intended for human consumption.

"Sell" or "sale" means to furnish, exchange, transfer, deliver, or supply for monetary gain.

(Ord. 1719 § 2, 2026)

8.70.020Sale and distribution of kratom prohibited.

It is unlawful to sell, advertise for sale, offer for sale, or distribute, directly or indirectly, any kratom product in the city of Cle Elum.

(Ord. 1719 § 2, 2026)

8.70.030Violation – Penalty.

Individuals and businesses engaging in the sale or distribution of kratom will be issued a civil fine in the amount of two hundred fifty dollars for the initial violation and one thousand dollars for each subsequent violation. Every sale or distribution of kratom is considered an independent violation subject to fine.

(Ord. 1719 § 2, 2026)

The Cle Elum Municipal Code is current through Ordinance 1720, passed January 13, 2026.

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.

IFC 2021 401.5 Making false report.

A person shall not give, signal or transmit a false alarm.

8.13.010 CMC 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)

The San Juan County Code is current through Ordinance 17-2025, passed November 4, 2025.

Chapter 9.16 FALSE ALARMS

Sections:

- 9.16.010 Definitions.**
- 9.16.020 False alarms prohibited.**
- 9.16.030 Unintentional false alarms – Law enforcement policies.**
- 9.16.035 Unintentional false alarms – Fire department policies.**
- 9.16.040 Notices of infraction – Hearings.**
- 9.16.050 Violation – Penalty.**
- 9.16.060 Distribution of funds.**
- 9.16.070 Key boxes.**

9.16.010 Definitions.

For the purposes of this chapter, the words set out in this section shall have the following meanings:

“False burglary alarm” means the intentional or unintentional activation of a burglary and/or robbery alarm by other than forced entry or attempted forced entry to the premises at a time when no criminal act is being committed or attempted on the premises. The causes of unintentional false alarms include, but are not limited to, the following: equipment malfunction, improper installation or maintenance of the equipment, human error or negligence, or any cause other than the actual commission or attempted commission of a criminal act.

“False fire alarm” means the intentional or unintentional activation of an audio or visual alarm or signal from an automatic fire alarm device set off by causes other than the occurrence of a fire. The causes of unintentional false alarms include, but are not limited to, the following: equipment malfunction, improper installation or maintenance of the equipment, human error or negligence, or any cause other than the occurrence of a fire.

“Intentional” means an act done by intention. A person acts with intent or intentionally when he or she acts with the object or purpose to accomplish a particular result.

“Unintentional” means an act done unintentionally. When the alarm is activated by any other means than by an intentional act, the false alarm shall be defined as an unintentional false alarm. (Ord. 7-2004 § 1; Res. 149-1989. Formerly 9.40.010)

9.16.020 False alarms prohibited.

A. No alarm user shall cause or allow a false burglary alarm or false fire alarm.

B. In the event that a false burglary alarm or false fire alarm is reported to the County sheriff's office by a firm purporting to be an alarm company, the owner of the alarm system shall bear full responsibility for said false burglary alarm or false fire alarm for the purposes of this chapter.

C. The intentional activation of a burglary and/or robbery alarm for the purpose of summoning the sheriff's office for other than an actual burglary or robbery, or a life-threatening emergency situation, shall be deemed a misdemeanor. (Ord. 7-2004 § 2; Res. 149-1989. Formerly 9.40.020)

9.16.030 Unintentional false alarms – Law enforcement policies.

The provisions of this chapter shall be administered by the County sheriff. The sheriff may utilize the following procedures and practices to reduce false burglary alarms:

A. For a response to a premises at which no other unintentional false burglary alarm has occurred within the preceding six-month period, hereinafter referred to as a “first response,” the person having or maintaining such burglary and/or robbery alarm may be required, within five working days after notice to do so, to complete a written report to the sheriff, or his designee, on forms provided by him, setting forth the cause of such false burglary alarm, the corrective action taken, whether such alarm has been inspected by a qualified serviceman and such other information as the sheriff or his designee may reasonably require to determine the cause of such false burglary alarm and the corrective action necessary to eliminate any repeat of the false burglary alarm.

B. For the second response to premises within six months after the first response, a written report shall be required as for a first response and the sheriff or his designee shall be authorized to inspect or cause to be inspected the alarm system at said premises, and any associated costs for such inspection to be borne by the owner of said alarm system, prescribe necessary corrective action, and shall give notice to the person or company having or maintaining such alarm system of the conditions and requirements of this section.

C. For the third response to a premises within six months of the first response, a written report shall again be required as for a first or second response and the sheriff or his designee shall be authorized to inspect or cause to be inspected the alarm system at such premises, with any associated costs for such inspection to be borne by the owner of said alarm system, prescribe necessary corrective action, and shall give notice to the person or company having or maintaining such alarm system of the conditions and requirements of this section. (Ord. 7-2004 § 3; Ord. 14-2000 § 10(C); Res. 149-1989. Formerly 9.40.030)

9.16.035 Unintentional false alarms – Fire department policies.

The provisions of this chapter shall be administered by the fire districts. The fire chief of the district in which the alarm system is located may utilize the following procedures and practices to reduce false alarms:

A. For a response to a premises at which no other unintentional false fire alarm has occurred within the preceding six-month period, hereinafter referred to as a “first response,” the person having or maintaining such fire alarm may be required, within five working days after notice to do so, to complete a written report to the fire chief of the district, or his designee, on forms provided by him, setting forth the cause of such false alarm, the corrective action taken, whether such alarm has been inspected by a qualified serviceman and such other information as the fire chief or his designee may reasonably require to determine the cause of such false alarm and the corrective action necessary to eliminate any repeat of the false alarm.

B. For the second response to a premises within six months after the first response, a written report shall be required as for a first response and the fire chief or his designee shall be authorized to inspect or cause to be inspected the alarm system at said premises, and any associated costs for such inspection to be borne by the owner of said alarm system, prescribe necessary corrective action, and shall give notice to the person or company having or maintaining such alarm system of the conditions and requirements of this section.

C. For the third response to a premises within six months of the first response, a written report shall again be required as for a first or second response and the fire chief or his designee shall be authorized to inspect or cause to be inspected the alarm system at such premises, with any associated costs for such inspection to be borne by the owner of said alarm system, prescribe necessary corrective action, and shall give notice to the person or company having or maintaining such alarm system of the conditions and requirements of this section. (Ord. 7-2004 § 4)

9.16.040 Notices of infraction – Hearings.

Hearings on notices of infraction issued pursuant to this chapter shall be held in the County district court. The procedures for issuance of a notice of infraction, hearings assessment and payment of monetary penalties, shall be in accordance with the provisions of Chapter 7.80 RCW. (Res. 149-1989. Formerly 9.40.040 (2))

9.16.050 Violation – Penalty.

The third false alarm and each subsequent false alarm, from the same location within a six-month period constitutes a civil infraction subject to monetary penalty as set forth below:

A. For the third false alarm, and each succeeding false alarm, a penalty not exceeding \$500.00 shall be assessed. (Ord. 7-2004 § 5; Res. 149-1989. Formerly 9.40.040 (1))

9.16.060 Distribution of funds.

All funds collected from fines imposed by the County district court for violations of this chapter shall be distributed as provided in RCW 3.62.020. The clerk of the County district court in his/her monthly remittance of funds to the County treasurer, shall earmark those funds received as a result of fines imposed for a violation of this chapter. Thirty-two percent of those funds shall be remitted by the County treasurer to the state treasurer as required by RCW 3.62.020(2); and the remainder deposited in the County current expense fund as required by RCW 3.62.020(3). Funds in the County current expense fund resulting from fines imposed for the violation of this chapter shall then be used to reimburse the County sheriff or responding fire district for the costs of enforcing this chapter. (Ord. 7-2004 § 6; Res. 149-1989. Formerly 9.40.060)