

Public Safety & Health Committee

CITY ADMINISTRATOR
ROBERT OMANS

CITY CLERK
DEBBIE LEE

CITY TREASURER
ROBIN NEWCOMB

PUBLIC WORKS

POLICE CHIEF
RICH ALBO

FIRE CHIEF
ED MILLS

PLANNER

Agenda
March 26, 2024
1:00 PM



119 W FIRST STREET
CLE ELUM, WA 9922

MAYOR
MATTHEW LUNDH

MAYOR PRO TEM
STEVEN HARPER

PUBLIC SAFETY & HEALTH
COMMITTEE
JOHN GLONDO
KEN RATLIFF
BETH WILLIAMS

CITY ATTORNEY
ALEXANDRA KENYON

Join Virtually with Zoom: <https://zoom.us/j/7573184018?pwd=dERndjBJVC9GdVQ1d2lSRExwZFhXZz09>
Meeting ID: 757 318 4018 Passcode: 98922

Join by Phone: 1-(253)215-8782, Meeting ID: 757 318 4018, Passcode:98922

 Receive city text alert notifications: 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**
2. **Unfinished Business**
3. **New Business**
 - a. Elect Public Safety & Health Committee Chair Person
 - b. Police Rental Contract
 - c. License Agreement Fire Department Association
 - d. Municipal Codes - Criminal
4. **Other Committee Comments**
5. **Adjourn**

Upcoming Meetings:

Next Public Safety & Health Committee Meeting: April 16, 2024 @ 1:00 p.m.

Regular Council Meeting: April 9, 2024 @ 6:00 p.m.

Planning Commission Meeting: April 2, 2024 @ 6:00 p.m.

General Government Committee Meeting: April 24, 2024 @ 8:00 a.m.

Lodging Tax & Events Committee Meeting: April 8, 2024 @ 8:30 a.m.

Public Works & Community Development Committee Meeting: April 4, 2024 @ 12:00 p.m.



Cle Elum – Roslyn Police Department

In The Heart of the Cascades

Chief of Police – Rich Albo

807 W Second St ♦ Cle Elum, WA 98922 ♦ 509-674-2991 ♦ Fax 509-674-2918 ♦ Dispatch 509-925-8534
policerecords@cleelum.gov

EXTRA DUTY OFFICER REQUEST/AGREEMENT FORM

NAME OF ~~CONTRACTING~~ REQUESTING PARTY: -

BILLING ADDRESS: _____

TELEPHONE: () _____ CELL/MESSAGE PHONE: () _____

ARE YOU WILLING TO TEXT ON CELL: Y / N (**CIRCLE ONE**) (provider fees may apply)

E-MAIL ADDRESS: _____

TYPE OF EVENT: _____

LOCATION OF EVENT: _____

DATE (S) AND TIME OF EVENT: _____ DURATION: _____

NUMBER OF OFFICERS REQUESTED: _____ ALCOHOL SERVED? Y / N (**CIRCLE ONE**)

UNIFORMED OR PLAINCLOTHES (**CIRCLE ONE**) APPROX. # OF GUESTS: _____

Additional information: _____

PLEASE REQUEST OFFICERS 2 WEEKS IN ADVANCE.

This ~~is a contract~~ agreement is between the above listed ~~requesting~~ Requesting party ~~Party~~ and the City of Cle Elum, acting through the Chief of Police ~~for the Cle Elum Police Department~~, to obtain and pay for the services of one or more Police Officers not otherwise scheduled to be on duty at that time, with issued equipment and one assigned patrol vehicle per Officer, on the date and time shown above (Event). The purpose of these services is to protect lives and property and keep the peace by enforcing the law as appropriate, consistent with the policies of the Cle Elum Police Department, at the ~~event~~ Event when there may be need for such services that would otherwise not be available. Each Officer engaged in extra duty employment of a law enforcement nature is considered to be in an on-duty status. ~~Officers on extra duty assignment have a primary obligation to the Chief of Police, not the requesting party.~~ The Requesting Party has no authority over any Police Officers at any time and may provide Officers only with a general assignment of duties to be performed at the Event, which shall never supersede the policies and procedures of the Cle Elum Police Department. ~~They~~ Extra duty Police Officers are expected to discharge all duties of their position, to enforce all laws and ordinances, and to adhere to all Cle Elum Police Department policies, procedures, rules and regulations. ~~as well as meeting~~ While such Officers will make reasonable efforts to accommodate the ~~requesting~~ Requesting party's ~~Party's~~ needs, ~~no Officer shall perform~~



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any act that would be in conflict with Departmental policies, procedures, rules or regulations. ~~The All extra duty Police~~ Officers are subject to call by the Chief of Police or ~~their the Chief's~~ designee at any time for emergencies, special assignment, or overtime duty. Extra duty employment does not infringe on this obligation.

I understand that the rate is \$85.00 per hour and per Officer (including issued equipment and assigned vehicle). HOURLY RATE BEGINS AT TIME OF ENTERING SERVICE TO OUT OF SERVICE (PORTAL TO PORTAL).

I understand that if ~~this event~~ the Event is cancelled and Officers are provided with less than 24 hours' notice from the intended start time of the ~~event~~ Event, ~~The the~~ Cle Elum Police Department is still responsible for the payment of ~~4 four~~ hours of time for each Officer assigned. I understand that if the Officers are required to remain at the ~~work site~~ Event less than four hours, four hours will be the minimum payment for the Officers. ~~In the event that~~ If the period originally agreed upon cannot be fulfilled due to the direction of the Chief of Police, ~~related due~~ to emergencies, special assignment, or overtime duty, the obligation of the ~~above listed~~ Requesting party-Party to pay for the services terminates upon notice of such direction of the Chief of Police. The Chief of Police and the ~~requesting~~ Requesting party-Party shall each be responsible and liable for the consequences of any act or failure to act on the part of itself, its employees and its agents, and each. ~~Each~~ shall be responsible for its own negligence. Neither party shall indemnify nor hold the other party harmless, in accordance with state and federal law.

I understand and agree that payment shall be made pursuant to this agreement with the City of Cle Elum ~~Police Department~~, and I understand that I will be billed the hourly rate as indicated above, per Officer, for this ~~event~~ Event. Billing is accrued on the quarter hour after the first four hours. I understand that I will receive an invoice from the City of Cle Elum at the address I have provided above, which must be paid within 30 ~~(thirty)~~ calendar days, and that this agreement is subject to the authorization or declination of the Chief of Police or their designee, in their sole and absolute discretion.

I freely and voluntarily agree to abide by the terms of this ~~contract agreement~~ and understand my responsibilities, and I affirm that I am authorized to sign for the Requesting Party.

SIGNED: _____ DATE: _____



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policerecords@cleelum.gov

OFFICE USE ONLY

Reviewed by command staff; APPROVED or DENIED (CIRCLE ONE)

SIGNED: _____ DATE: _____

LICENSE AGREEMENT

This License Agreement (“Agreement”) is entered into this ____ day of March, 2024, by and between the City of Cle Elum, a municipal corporation formed under the laws of the State of Washington, whose mailing address is 119 West 1st St., Cle Elum, Washington, 98922 (“City” or “Licensor”), and the Cle Elum Volunteer Firefighters Association, a Washington nonprofit corporation, whose mailing address is PO Box 1176, Cle Elum, Washington, 98922 (“VFA” or “Licensee”).

WHEREAS, the City owns that certain parcel of real property located 301 North Pennsylvania Ave., Cle Elum, Washington, 98922, identified for real property tax purposes as Kittitas County Parcel No. 053435 (“Property”); and

WHEREAS, the City operates the Cle Elum Fire Station (“Fire Station) on the Property; and

WHEREAS, the purpose of the VFA is to support the City’s Fire Department and its volunteer firefighters; and

WHEREAS, the VFA desires limited access to a portion of the interior of the Fire Station in order to use excess interior space for office and storage use, as described further below; and

WHEREAS, the VFA’s proposed use of that portion of the Fire Station is explicitly for rendering services to the City’s Fire Department, and such use would be in furtherance of the public purpose for which the Fire Station was constructed; and

WHEREAS, the City desires to provide the VFA with limited access to a portion of the interior of the Fire Station in order to better serve the overall needs of the public through increased support of the City’s volunteer firefighters;

NOW, THEREFORE, in consideration of the above, the City and the VFA agree as follows:

- 1. License granted.** The City hereby grants the VFA a non-exclusive, revocable license, subject to the terms and conditions described further herein, to use two back “bedroom” spaces inside the Fire Station, identified as “BED RM #5” and “BED RM #6” in the drawing attached hereto as Exhibit A (“Licensed Area”), for office space and storage uses related to the general organizational activities of the VFA. The license to use the Licensed Area includes reasonable rights of ingress and egress through the Fire Station; provided, however, that the City has the right to deny the VFA access at any time, should the City determine, in its sole and absolute discretion, that such denial is necessary for the operation of regular or emergency Fire Department activities.
- 2. Non-interference.** The VFA’s license to use the Licensed Area is non-exclusive, and the City reserves the right to permit or allow any other lawful use of the Fire Station or the Property, whether or not such other use conflicts with the VFA’s use of the Licensed Area. The VFA may not use the Licensed Area in any manner that interferes with the City’s use and operation of the Fire Station, as determined in the City’s sole and absolute discretion.
- 3. Change in use.** Any change in use or purpose of the Licensed Area by the VFA other than as described in Section 1, above, shall require the prior written approval of the City, which the City may withhold in its sole and absolute discretion.

4. **Term.** The initial term of this Agreement shall commence on April 1, 2024, and shall continue up to and including March 31, 2025. Provided that it remains in compliance with the material provisions of this Agreement, the VFA may renew this Agreement for one or more additional one-year periods, on the same terms and conditions as contained herein, by providing written notice to the City no later than February 28. This Agreement may be renewed for up to four more one-year terms; provided, however, that in no event shall this Agreement be extended past March 31, 2029.
5. **No improvements.** The VFA shall not make any improvements, alterations, or changes of any nature to the Licensed Area without the prior written approval of the City. Any authorized improvements, alterations, or changes must comply with all applicable federal, state, and local codes and regulations, and shall be installed at the VFA's sole expense. Upon termination of this Agreement, as described in Section 10, below, the VFA shall either remove any such improvements, alterations, or changes and restore the Licensed Area to its original condition, or, at the City's discretion, the VFA may leave some or all of such improvements as the City directs, which shall thereafter become the sole property of the City.
6. **Licenses and permits.** A copy of any and all local, state or federal permits acquired by the VFA which are required for the use of the Licensed Area shall be kept on-site at all times and shall be readily accessible and produced to the City and its agents or any local, state, or federal officials upon demand.
7. **Maintenance.** The City shall be responsible for all repairs and maintenance due to normal wear and tear on the Licensed Area, including, but not limited to: the replacement of light bulbs, the normal repair and cleaning of windows, cleaning of bathrooms, and clearing of toilets. The City shall properly maintain the Fire Station in a good, safe and clean condition and shall properly and promptly remove all rubbish and hazardous wastes and see that the same are properly disposed of according to all local, state or federal laws, rules regulations or ordinances. In the event the Licensed Area or any part of the Fire Station is damaged as a result of any neglect or negligence of the VFA, its employees, agents, business invitees, or any independent contractors serving the VFA or in any way as a result of the VFA's use and occupancy of the Licensed Area, then the VFA shall be responsible for placing the proper claims with the VFA's insurance company, or the damaging party's insurance company, and shall furthermore be responsible for seeing that the building is safeguarded with respect to said damage and that all proper notices with respect to said damage, are made in a timely fashion, including notice to the City, and the party or parties causing said damage.
8. **Insurance.** In the event Lessee shall fail to obtain insurance required hereunder and fails to maintain the same in force continuously during the term, Lessor may, but shall not be required to, obtain the same and charge the Lessee for same as additional rent. Furthermore, Lessee agrees not to keep upon the premises any articles or goods which may be prohibited by the standard form of fire insurance policy, and in the event the insurance rates applicable to fire and extended coverage covering the premises shall be increased by reason of any use of the premises made by Lessee, then Lessee shall pay to Lessor, upon demand, such increase in insurance premium as shall be caused by said use or Lessee's proportionate share of any such increase. The Lessee shall maintain the following insurance limits:

Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.

Property insurance shall be written covering the full value of Lessee's property and improvements with no coinsurance provisions. The VFA's Commercial General Liability insurance policy or policies are to contain, or be endorsed to contain that they shall be primary insurance with respect to the City of

Cle Elum. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the VFA's insurance and shall not contribute with it. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII. The VFA shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the VFA. The VFA must provide the City with written notice of any policy cancellation within two business days of its receipt of such notice.

9. **No assignment.** The VFA may not transfer or assign this Agreement, or any right or interest hereunder, to any other person or entity.
10. **Termination.** It is expressly understood by both parties that the license granted herein is freely revocable by the City at any time, for any reason. If not sooner revoked, then this Agreement shall automatically terminate at 11:59 p.m. Pacific Time on March 31, 2025; provided, however, that the parties may agree to one or more renewal terms as described in Section 4, above. Upon termination, the VFA agrees to restore the Licensed Area to the condition that it was in at the beginning of the initial term, reasonable wear resulting from ordinary use of the Licensed Area excepted, to the extent reasonably possible; provided, however, that the City may elect to allow certain authorized improvements to remain, pursuant to Section 5, above.
11. **Damage to Licensed Area.** The VFA shall, during the term of this Agreement, and any renewal thereof, at its sole expense, keep the Licensed Area in as good a condition and repair as it is at the initial term of the Agreement, reasonable wear resulting from ordinary use of the Licensed Area excepted. The City shall be responsible for the normal maintenance of the Fire Station as described in Section 7, above. The VFA must promptly notify the City of any damage to the Licensed Area or the Fire Station that is caused by the VFA or any of its agents, employees, or invitees, and reasonably estimated to be in excess of \$50.00 to repair. The VFA shall be solely responsible for the reasonable repair costs of any such damage, which shall be performed by the City at the City's convenience. In the event the Licensed Area or any portion of the Fire Station is destroyed or damaged as a result of any fire or other casualty which is not the result of the intentional acts or negligence of the VFA, and such damage precludes or adversely affects the VFA's use of the Licensed Area, then this Agreement shall be terminated as provided in Section 10, above.
12. **Hazardous materials.** Under no circumstances shall the VFA be permitted to use or store any Hazardous Materials in the Licensed Area. For purposes of this section, "Hazardous Materials" shall mean:
 - a. Any dangerous or extremely hazardous waste as defined in RCW 70A.300.010 (1) and (7), or any dangerous or extremely dangerous waste as designated by rule under chapter 70A.300 RCW;
 - b. Any hazardous substance as defined in RCW 70A.300.010(10) or any hazardous substance as defined by rule under chapter 70A.300 RCW;
 - c. Any substance that is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C. Sec. 9601(14);
 - d. Petroleum or petroleum products; and
 - e. Any substance or category of substances, including solid waste decomposition products, that would present a threat to human health or the environment if released into the environment.
13. **Indemnification.** The VFA hereby covenants and agrees to indemnify, defend and hold the City harmless from any and all claims or liabilities which may arise from any cause whatsoever as a result

of the VFA's use of the Licensed Area, and further shall indemnify the City for any losses which the City may suffer in connection with the VFA's activities in and around the Fire Station. The VFA also hereby covenants and agrees to indemnify and hold harmless the City from any and all claims or liabilities which may arise from any latent defects in the Property or the Fire Station that the City is not aware of at the commencement of this Agreement or at any time during the term of this Agreement. It is further specifically and expressly understood that the indemnification provided herein constitutes the VFA's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated and agreed to by the VFA and the City. The provisions of this section shall survive the termination of this Agreement.

- 14. Condition of Licensed Area.** The VFA acknowledges that it has had the opportunity to inspect the Licensed Area and acknowledges with its signature on this Agreement that the Licensed Area is in good condition and complies in all respects with the requirements of this Agreement. The City makes no representation or warranty with respect to the condition of the Licensed Area or its fitness or availability for any particular use, and the City shall not be liable for any latent or patent defect therein. The VFA represents that it has inspected the Licensed Area with all current fixtures present in their "as is" condition as of the commencement of this initial term of this Agreement.
- 15. City's right of entry.** It is agreed and understood that the City and its agents shall have the complete and unencumbered right of entry to the Licensed Area at any time or times for purposes of inspecting or making any necessary repairs to the building or equipment as may be required of the City under the terms of this Agreement or as may be deemed necessary with respect to the inspection, maintenance or repair of the Fire Station. The City shall have the right to enter the Licensed Area without the consent of the VFA in the event of an emergency.
- 16. Waiver.** Failure of the City to require strict performance of any provision of this Agreement shall not be deemed a continuing waiver or waiver in respect of any subsequent breach or default, either of a similar or dissimilar nature, unless expressly so stated in writing.
- 17. Governing law, venue.** This Agreement shall be governed by the laws of the State of Washington. Venue for any matter subject to this Agreement shall be in the Superior Court of Kittitas County.
- 18. Notices.** Any notice required by this Agreement shall be addressed to the following:

VFA: Cle Elum Volunteer Firefighters Association
P.O. Box 1176
Cle Elum, WA 98922

City: City of Cle Elum
119 W 1st Street
Cle Elum, WA 98922
- 19. Severability.** If any term or provision of this Agreement is deemed illegal, invalid or unenforceable, such term shall be limited to the extent necessary to make it legal and enforceable, and, if necessary, severed from this Agreement, and all other terms and provisions of this Agreement shall remain in full force and effect.
- 20. Council approval required.** Pursuant to Section 2.18.020 of the Cle Elum Municipal Code, execution of this Agreement is contingent on the prior approval of the VFA's proposed use of the Licensed Area by the Cle Elum City Council.

CITY OF CLE ELUM:

By: _____ Date _____
Matthew Lundh
Its Mayor

CLE ELUM VOLUNTEER
FIREFIGHTERS ASSOCIATION:

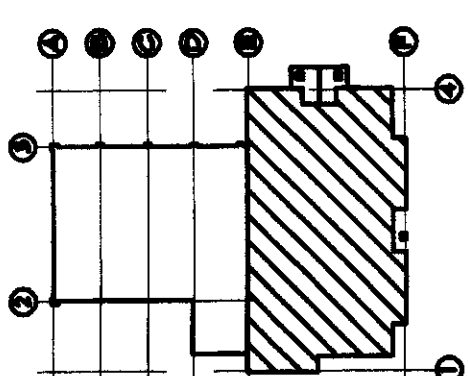
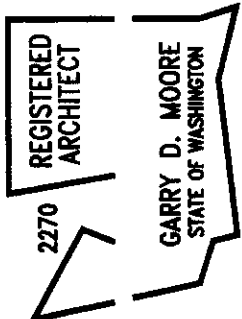
By: _____ Date _____
Maggie Bator
Its President



Calvin Jordan
Associates, Inc.

ARCHITECTURE
URBAN PLANNING
LANDSCAPE ARCHITECTURE

10046 NE 164th RD.
TAMPA, FL 33613
PH: (813) 443-4477 FAX: (813) 443-3123
E-MAIL: architect@calvin-jordan.com



KEY INDEX

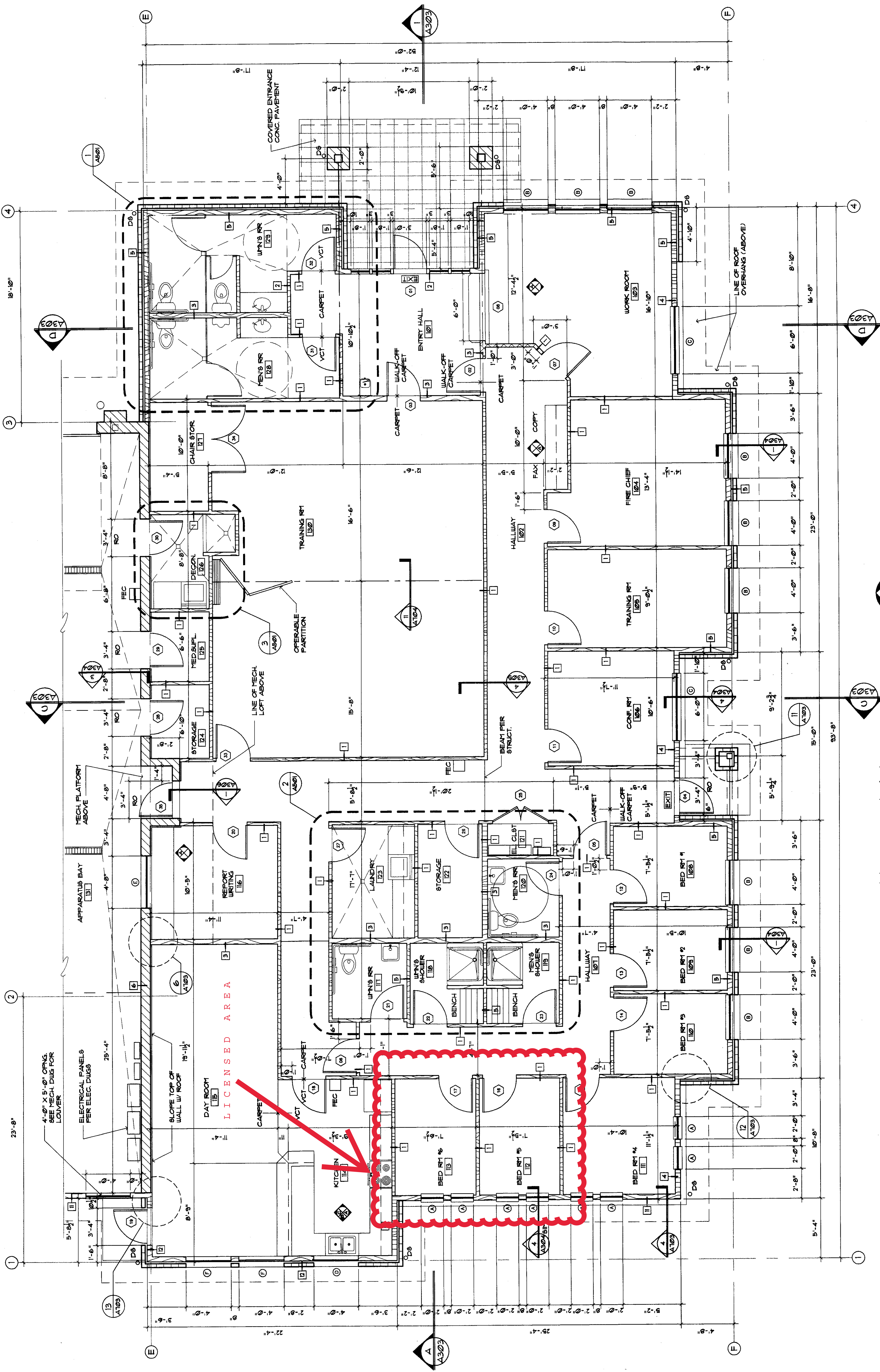
CLE ELUM
FIRE STATION

OFFICE
FLOOR PLAN

SHEET
A201

DATE: 08/04/2004
SCALE: 1/4"=1'-0"
DRAWN BY: J.T.
CHECKED BY: J.T.
CONTRACT: 2004-04

THESE DRAWINGS HAVE BEEN PRINTED IN FULL SIZE. IF THE DRAWING YOU ARE LOOKING AT IS NOT 24" X 36", IT HAS BEEN REDUCED TO HALF SIZE. DO NOT REFER TO THE ARCHITECTURAL SCALE ON THE INDIVIDUAL DRAWING OR DETAIL. PLEASE USE APPROPRIATE GRAPHIC SCALE FOR ALL DIMENSIONS OF THE DRAWING.



FLOOR PLAN



E X H I B I T A

Chapter 6.04

REGULATION OF ANIMALS AND FOWL

Sections:

- 6.04.010 Definitions.**
- 6.04.020 License and registration required.**
- 6.04.030 License and registration for dogs.**
- 6.04.040 Unlawful to keep animals which are offensive, dangerous or which constitute a nuisance.**
- 6.04.050 Limitation on number.**
- 6.04.060 Dogs and cats not to be permitted at large.**
- 6.04.070 Excessive noise by dogs or fowl prohibited.**
- 6.04.080 Manner of keeping animals and fowl.**
- 6.04.081 Grazing animals – Defined.**
- 6.04.082 General space requirements.**
- 6.04.083 Barns, corrals and enclosures.**
- 6.04.084 Animals being driven or ridden.**
- 6.04.085 Abandonment of animals.**
- 6.04.086 Animals in heat.**
- 6.04.087 Animal abuse.**
- 6.04.088 Rabies inoculation.**
- 6.04.089 Cruelty to animals.**
- 6.04.090 Impounding of animals and fowl.**
- 6.04.100 Notice of impounding.**
- 6.04.110 Redemption of impounded animals or fowl.**
- 6.04.120 Destruction or release of unclaimed animals and fowl.**
- 6.04.130 Purchase of unclaimed animals or fowl.**
- 6.04.140 Records to be maintained.**
- 6.04.150 Disposition of dangerous animals or fowl.**
- 6.04.160 Impounding for observation.**
- 6.04.170 Vicious animals or fowl may be destroyed.**
- 6.04.180 Interference with enforcement.**
- 6.04.190 Penalty for violation.**

6.04.010 Definitions.

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

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

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

“Authorized person” means any police officer or the city pound master, or any other person acting under the order or direction of a police officer or of the city pound master.

“Exotic animal” means any animal that is neither native to the United States nor traditionally raised and tamed by humans.

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

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

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

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

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

6.04.020 License and registration required.

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

	Neutered Male or Spayed Female	Unneutered or Unspayed Female
First dog	\$ 7.50	\$10.00
Second dog	10.00	13.00

	Neutered Male or Spayed Female	Unneutered or Unspayed Female
Third dog and each dog thereafter	27.00	32.00

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

C. All exotic pets kept within the city must be licensed and registered. The exotic pet license shall be an annual license which shall expire at midnight on December 31st of each year. Such license shall be issued by the city clerk upon payment to the clerk of a fee, and upon the satisfactory completion by the owner or keeper of the animal of the registration form provided by the clerk.

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

6.04.030 License and registration for dogs.

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

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

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

(Ord. 1342 § 2, 2011)

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

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

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

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

6.04.050 Limitation on number.

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

- A. Small animals that are kept as household pets in a dwelling unit in aquariums, terrariums, cages or similar containers shall not be limited in number unless such animals constitute a nuisance.
- B. Other small animals kept as household pets in a dwelling unit shall be limited to four of any one kind.
- C. The number of small animals kept outside a dwelling unit shall be limited as follows:
 - 1. On sites of less than twenty thousand square feet, three per dwelling unit;
 - 2. On sites of between twenty thousand and thirty-five thousand square feet, five per dwelling unit; and
 - 3. On sites greater than thirty-five thousand square feet, one additional small animal per dwelling unit for each one-half acre of site area over thirty-five thousand square feet up to a maximum of twenty.
- D. For the purposes of this section, the following definitions shall apply:
 - 1. "Household pets" means small animals that are kept within a dwelling unit.
 - 2. "Small animal" means any animal other than livestock or animals considered to be predatory or wild which are kept outside a dwelling unit all or part of the time. Animals considered predatory or wild, excluding those in zoo animal breeding facilities, shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting or exhibition.
- E. If more than one dwelling unit exists on a lot or parcel then, for the purposes of this section, the limitations as set forth above shall apply to each lot or parcel and not to each dwelling unit.

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

6.04.060 Dogs and cats not to be permitted at large.

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

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

6.04.070 Excessive noise by dogs or fowl prohibited.

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

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

6.04.080 Manner of keeping animals and fowl.

No owner or custodian of any animal or fowl shall keep or harbor or maintain any such animal or fowl, or maintain any place in which such animal or fowl is kept, in such manner as to be filthy or unsanitary. Violation of this section is declared to be a public nuisance and adverse to the public health, safety and welfare.

(Ord. 651 § 8, 1971)

6.04.081 Grazing animals – Defined.

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

B. Such animals are to be kept within proper space and properly constructed fences. Animals raised for commercial purposes are considered a business and business licenses are required.

(Ord. 887 § 1, 1989)

6.04.082 General space requirements.

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

(Ord. 887 § 1, 1989)

6.04.083 Barns, corrals and enclosures.

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

(Ord. 887 § 1, 1989)

6.04.084 Animals being driven or ridden.

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

(Ord. 887 § 1, 1989)

6.04.085 Abandonment of animals.

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

(Ord. 887 § 1, 1989)

6.04.086 Animals in heat.

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

(Ord. 887 § 1, 1989)

6.04.087 Animal abuse.

No person shall beat, cruelly treat, torment, overload, overwork or otherwise abuse an animal or cause, instigate or permit any dog fight, cock fight, bull fight or other combat between animals or between animals and humans.

(Ord. 887 § 1, 1989)

6.04.088 Rabies inoculation.

All dogs licensed within the city shall at all times wear a rabies tag evidencing current rabies inoculation.

(Ord. 887 § 1, 1989)

6.04.089 Cruelty to animals.

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

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

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

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

1. Willfully and cruelly injure or kill any animal by any means causing it fright or pain;
2. By reason of neglect or intent, to cause or allow any animal to endure pain, suffering or injury or to fail or neglect to aid or attempt alleviation of pain, suffering or injury such person has caused to any animal; or

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

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

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

6.04.090 Impounding of animals and fowl.

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

(Ord. 651 § 9, 1971)

6.04.100 Notice of impounding.

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

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

6.04.110 Redemption of impounded animals or fowl.

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

1. For each impounding or capturing of any animal or fowl, \$10.00;
2. For food and care, \$5.00 per day per animal or fowl.

B. Any owner of an animal or fowl being impounded, not wishing to reclaim the animal or fowl or pay the charges for the animal, may sign a form "release of ownership," giving the city the right to find the animal or fowl a new owner or in the event a new owner cannot be found, the right to destroy the animal or fowl. A fee of \$10.00 payable to the city shall accompany each certificate.

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

6.04.120 Destruction or release of unclaimed animals and fowl.

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

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

6.04.130 Purchase of unclaimed animals or fowl.

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

(Ord. 651 § 13, 1971)

6.04.140 Records to be maintained.

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

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

6.04.150 Disposition of dangerous animals or fowl.

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

(Ord. 651 § 15, 1971)

6.04.160 Impounding for observation.

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

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

6.04.170 Vicious animals or fowl may be destroyed.

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

(Ord. 651 § 17, 1971)

6.04.180 Interference with enforcement.

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

(Ord. 651 § 18, 1971)

6.04.190 Penalty for violation.

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

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

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

The Cle Elum Municipal Code is current through Ordinance 1667, passed March 12, 2024.

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

City Website: cityofcleelum.com

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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**
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- 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 within City Limits**
- 8.48** **Television and Radio Antennas**
- 8.52** **Aircraft Operation**
- 8.60** **Code Enforcement**

Chapter 8.04

MANUFACTURE, STORAGE, PREPARATION AND SALE OF FOOD

Sections:

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

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

8.04.010 Maintaining place of business.

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

(Ord. 206 § 1, 1921)

8.04.020 Screen at all openings.

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

(Ord. 206 § 2, 1921)

8.04.030 Decayed matter.

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

(Ord. 206 § 3, 1921)

8.04.040 Food in toilet room prohibited.

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

(Ord. 206 § 4, 1921)

8.04.050 Place of sale sanitation.

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

(Ord. 206 § 5, 1921)

8.04.060 Food service employee – Communicable disease prohibited.

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

(Ord. 206 § 6, 1921)

8.04.070 Serving or selling decayed food prohibited.

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

(Ord. 206 § 7, 1921)

8.04.080 Meat transporting vehicle sanitation.

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

(Ord. 206 § 12, 1921)

8.04.090 Food inspection.

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

(Ord. 206 § 8, 1921)

8.04.100 Access for inspection.

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

(Ord. 206 § 9, 1921)

8.04.110 Destruction of unwholesome food.

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

(Ord. 206 § 10, 1921)

8.04.120 Manufacture of food.

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

(Ord. 206 § 11, 1921)

8.04.130 Penalty for violation.

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

(Ord. 206 § 13, 1921)

8.04.140 Slaughtering prohibited.

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

(Ord. 169 § 1, 1917)

8.04.150 Fat rendering prohibited.

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

(Ord. 169 § 2, 1917)

8.04.160 Food sanitation.

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

(Ord. 169 § 3, 1917)

8.04.170 Condemnation of unwholesome food.

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

(Ord. 169 § 4, 1917)

8.04.180 Protection of food from contamination.

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

(Ord. 169 § 5, 1917)

8.04.190 Food preparation employee – Communicable disease prohibited.

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

(Ord. 169 § 7, 1917)

8.04.200 Transportation of fresh meat.

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

(Ord. 169 § 6, 1917)

Chapter 8.05**NOISE****Sections:**

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

8.05.010 Declaration of policy.

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

(Ord. 1611 § 1 (Exh. A), 2021)

8.05.020 Unreasonable noise unlawful.

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

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

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

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

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

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

1. Sounds made by an animal, except that such sounds made in animal shelters, commercial kennels, veterinary hospitals, pet shops or pet kennels licensed under this code shall be exempt from this subsection; provided, that notwithstanding any other provision of this chapter, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigation officer or if the animal is a repeated violator of this subsection, the animal may be impounded by an animal control officer or the investigating officer, subject to redemption in the manner provided by ordinance.
2. Sounds made by horn or siren, except such sounds that are made to warn of danger or that are specifically permitted or required by law.
3. Sounds made in connection with the starting, operation, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine.
4. Sounds created by the use of a musical instrument, or other device capable of producing sound when struck by an object, a whistle, sound amplifier, stereo, radio, compact disc player, television, motor vehicle audio system or other device capable of producing, amplifying, or reproducing sound.
5. Sounds made by the amplified or unamplified human voice, such as yelling, shouting, screaming and hooting.
6. Sounds made in connection with activities such as a band session, social gathering, tavern operation or liquor establishment, or commercial sales lot.

F. *Content Not to Be Considered.*

1. The content of any speech associated with a sound shall not be considered in determining a violation of this section.
2. Sounds emanating from church bells and/or religious PA systems shall not be considered in determining a violation of the section.

(Ord. 1611 § 1 (Exh. A), 2021)

8.05.030 Closure of doors and restriction on outdoor activities.

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

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

(Ord. 1611 § 1 (Exh. A), 2021)

8.05.040 Penalty.

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

(Ord. 1611 § 1 (Exh. A), 2021)

8.05.050 Exceptions and waivers.

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

1. Noise originating between the hours of seven a.m. and ten p.m. from regularly scheduled community events or associated with preparation for such events, such as sporting events, public concerts, parades, or public ceremonies, including regularly scheduled events approved by the city;
2. Normal construction activity between the hours of six a.m. and ten p.m.;
3. Special community events approved by majority vote of the city council;
4. Noise associated with street cleaning, emergency repair to any street, building or structure, fire suppression, law enforcement response or any other emergency activity designed to preserve life or property, undertaken by the United States, the state of Washington, the city, or any of their respective officers, employees or contractors;
5. Noise associated with snow removal;
6. Noise created by sources in industrial zones which over the previous years have consistently operated as a consequence of process and necessity or demonstrated routine normal operation;
7. Between the hours of seven a.m. and ten p.m., noise created by powered equipment used in temporary or periodic maintenance or repair of residential property, grounds and appurtenances, including but not limited to sounds from lawnmowers, snow removal equipment and powered hand tools.

B. *Approval of Waivers.*

1. The mayor and his/her designee may grant a waiver to an event or activity otherwise subject to the provisions of this chapter, upon approval of the request by the city administrator and the police chief. Notwithstanding the foregoing, the mayor or his/her designee may refer any waiver request to the city council at the next scheduled council meeting for consideration of whether it should be approved.
2. A request for a waiver must be submitted to the city administrator no later than fourteen 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. 1611 § 1 (Exh. A), 2021)

Chapter 8.08

GARBAGE COLLECTION¹

Sections:

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

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

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

8.08.010 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

8.08.020 Uniform, mandatory and exclusive system.

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

(Ord. 1307 § 1, 2009)

8.08.030 City garbage supervisor.

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

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

(Ord. 1307 § 1, 2009)

8.08.040 Sanitary service fund.

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

(Ord. 1307 § 1, 2009)

8.08.050 Exclusive collection procedure.

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

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

(Ord. 1307 § 1, 2009)

8.08.060 Collection contracts – Continued.

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

(Ord. 1307 § 1, 2009)

8.08.061 Deposit at designated disposal site.

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

(Ord. 1307 § 1, 2009)

8.08.070 Collection contracts – Approval by city.

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

(Ord. 1307 § 1, 2009)

8.08.080 Collection contract – Corporate surety bond required.

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

(Ord. 1307 § 1, 2009)

8.08.090 Conclusive presumption of service.

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

(Ord. 1307 § 1, 2009)

8.08.100 Vacant property.

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

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

(Ord. 1307 § 1, 2009)

8.08.110 Frequency of collection.

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

(Ord. 1307 § 1, 2009)

8.08.120 Garbage cans – Required.

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

(Ord. 1307 § 1, 2009)

8.08.130 Types of cans – Maximum weight – Closure requirement.

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

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

8.08.140 Garbage cans – Accessible to collectors.

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

(Ord. 1307 § 1, 2009)

8.08.150 Garbage cans – Noncompliance tags.

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

(Ord. 1307 § 1, 2009)

8.08.160 Separation may be required.

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

(Ord. 1307 § 1, 2009)

8.08.170 Methods of disposal.

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

(Ord. 1307 § 1, 2009)

8.08.180 Animal carcasses.

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

(Ord. 1307 § 1, 2009)

8.08.190 Scattering or accumulating garbage or refuse prohibited.

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

(Ord. 1307 § 1, 2009)

8.08.200 Schedule of charges.

From and after February 1, 2024, 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	\$18.88
1 35-Gallon Cart	\$24.65
1 64-Gallon Cart	\$33.58
1 96-Gallon Cart	\$41.94
2 64-Gallon Cart	\$65.19
1 20-Gallon Cart – Senior	\$14.16
1 35-Gallon Cart – Senior	\$18.47
1 64-Gallon Cart – Senior	\$25.19
1 96-Gallon Cart – Senior	\$29.44

b. *Miscellaneous Residential Rates.*

Extra Garbage (bags on top or next to garbage cart)	\$7.02
Oversize/Overweight Units	\$10.49/Unit
Drive-In Charge	\$7.89
Carryouts per Cart > 5 ft. but < 25 ft.	\$1.80
Carryouts per Cart > 25 ft. and each increment of 25 ft. thereafter	\$1.38
Return Trips – Carts (per pickup)	\$7.30
Cart Replacement (due to customer abuse/damage)	\$101.83

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	\$37.06
1 64-Gallon Cart	\$52.47
1 96-Gallon Cart	\$77.22
2 64-Gallon Carts	\$104.94

2. *Miscellaneous Service.*

Return Trips – Carts (per pickup)	\$7.30
Carryouts per Cart (> 5 ft. but < 25 ft.)	\$0.43
Carryouts per Cart (> 25 ft. and each increment of 25 ft. thereafter)	\$0.24

Return Trips – Container (per pickup)	\$17.01
Roll-Out Container (per pickup)	\$4.11
Unlock Gate or Unlock Container (per month)	\$22.21
Disconnect Hydraulics (per pickup)	\$28.08

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

1.5-yard	\$193.00
2-yard	\$261.59
3-yard	\$385.63
4-yard	\$482.09
6-yard	\$668.56
8-yard	\$844.47
Extra Garbage (loose or over-filled)	\$39.31

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

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

20-yard	\$5.55
30-yard	\$8.26

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

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

20-yard	\$166.22
30-yard	\$247.55

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

6. *Rate per Haul.*

20-yard	\$295.51
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30-yard	\$295.51
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C. *Late Charges.* In addition to the charges set forth, if any bill for garbage service is not paid within thirty days of billing date, there shall be assessed and collected by the city clerk a late charge 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, 2024, and every December 31st thereafter at a rate equal to increases imposed by Waste Management, or three percent, whichever is more, per year.

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

8.08.210 Payment of charges.

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

(Ord. 1307 § 1, 2009)

8.08.220 Collector of garbage charges.

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

(Ord. 1307 § 1, 2009)

8.08.230 Low income senior citizens – Reduced rates.

Low income senior citizens (being a person sixty-two years of age or older and whose total income, including that of his or her spouse or cotenant, does not exceed the amount specified in RCW 84.36.381(5)(b), as now or hereafter amended) shall upon application be entitled to a reduced rate for garbage collection at the rates set forth in Section 8.08.210(A)(2) above.

(Ord. 1307 § 1, 2009)

8.08.240 Liens for delinquent charges.

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

(Ord. 1307 § 1, 2009)

8.08.250 Inspection.

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

(Ord. 1307 § 1, 2009)

8.08.260 Penalty for violation.

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

(Ord. 1307 § 1, 2009)

8.08.270 Collection actions – Costs and legal fees.

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

(Ord. 1334 § 1, 2010)

Chapter 8.12

NUISANCES

Sections:

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

8.12.010 Designated.

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

- A. Debris, rubbish, materials or other items resulting or accumulating from the alteration, construction, repair or demolition of any building or structure, being or remaining in public view in an unsightly or disorderly condition for any period exceeding thirty days;
- B. Old, dilapidated or caved-in buildings or structures, junk, or other things which are allowed to remain upon or are placed or maintained on any property or premises where they are open to public view and are unsightly to such extent that they are unreasonably disagreeable and offensive to the view of the ordinary and reasonable public and detract from the appearance of the locality, taking into consideration the location of the premises and all the circumstances of each particular case;
- C. Any thing or condition built, placed, maintained or allowed to remain on any premises and which, in the opinion of the chief of the fire department or of his assistant chief in charge in his absence, constitutes an undue fire hazard and which is maintained or allowed to remain on such premises beyond a reasonable time after either oral or written notice from the fire chief or his assistant chief or any city police officer of the existence of the fire hazard is given to the owner, occupant, or person in charge of premises, the notice to specify the reasonable time for removal of the fire hazard;
- D. Any condition which causes to be freed or released any offensive or annoying odor, smoke, stench or smell which annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;
- E. Any loud or irritating noises caused or made at unreasonable times and places, the question of reasonableness to be determined in view of all the circumstances;

- F. Interference with the use of or anything obstructing all or any part of any street, alley, avenue, commons, public highway, private way or the entrance to any public building, structure or property. Also, erecting or placing or causing to be erected or placed thereon any obstruction, structure, refuse, snow, water or other impediment or thing which interferes with the use of or obstructs or impedes such places;
- G. Any business for which a city license is required or city tax is to be paid, which is operated without obtaining such license or paying such tax;
- H. Any act or the failure to perform any duty, which act or omission (1) annoys, injures, or endangers the safety, health, comfort or repose of any considerable number of persons; or (2) offends public decency; or (3) unlawfully interferes with, 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)

8.12.060 Chapter not exclusive.

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

(Ord. 517 § 6, 1956)

8.12.070 Violation – Penalty.

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

(Ord. 517 § 7, 1956)

8.12.080 Violation – Abatement.

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

(Ord. 517 § 8, 1956)

8.12.090 Violation – Bond.

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

(Ord. 517 § 9, 1956)

Chapter 8.13 FALSE ALARMS

Sections:

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

8.13.010 Purpose.

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

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

(Ord. 1053 § 1, 1997)

8.13.020 False alarms.

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

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

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

8.13.030 Recovery of costs.

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

(Ord. 1053 § 1, 1997)

Chapter 8.16 JUNK VEHICLES AND HULKS

Sections:

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

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

8.16.010 Purpose.

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

(Ord. 1199, 2003)

8.16.020 Definitions.

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

- A. "Director" means the director of the department in charge of code enforcement or his or her designee or any designated alternate who is empowered by ordinance or by the mayor to enforce this chapter including assigned code enforcement official(s).
- B. "Junk vehicle" means a vehicle meeting at least three of the following requirements (RCW 46.55.010(4)):
 - 1. Is three years old or older;
 - 2. Is extensively damaged, such damage including, but not limited to, any of the following: a broken window or windshield or missing wheels, tires, motor or transmission;
 - 3. Is apparently inoperable;
 - 4. Has an approximate fair market value equal only to the approximate value of the scrap in it.
- C. "Landowner" means an owner of private property, or a person in possession or control of private property.
- D. RCW 46.44.010 is hereby adopted by reference, as now or hereafter amended, and all other 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)

8.16.040 Exemptions.

The provisions of this chapter shall not apply to:

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

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

(Ord. 1199, 2003)

8.16.050 Abatement of junk vehicles on private property.

- A. *Voluntary Correction.* Whenever the code enforcement official or a City of Cle Elum law enforcement officer determines that a vehicle is a public nuisance and in violation of this chapter, an attempt shall be made, in accordance with the CEMC Code enforcement chapter as adopted and hereafter codified, including amendments thereto, to secure voluntary correction from the landowner and the vehicle's registered owner.
- B. *Enforcement of Civil Violations.* If the code enforcement official or City of Cle Elum law enforcement officer does not obtain voluntary correction of the public nuisance within thirty days, the officer may issue a notice of infraction to the landowner of record and/or the vehicle's 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)

8.20.020 Definitions.

When used in this chapter, the term:

- A. "Automobile graveyards" means any establishment or place of business which is maintained, used, or operated by storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.
- B. "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, iron, steel, old or scrap ferrous or nonferrous materials, or junked, dismantled or wrecked automobiles or vehicles.
- C. "Junkyards" means an establishment, public or private yards, or place of business, which is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard.

(Ord. 694 § 2, 1975)

8.20.030 Screening – Building permit required.

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

(Ord. 694 § 5, 1975)

8.20.040 Screening – Required when.

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

(Ord. 694 § 3, 1975)

8.20.050 Other laws not affected.

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

(Ord. 694 § 4, 1975)

8.20.060 Violations – Penalty – Abatement as public nuisance.

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

(Ord. 694 § 6, 1975)

Chapter 8.24
FIRE PREVENTION

Sections:

Article I. Regulations

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

Article II. Inspection of Premises

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

Article I. Regulations

8.24.010 Definitions.

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

(Ord. 514 § 2, 1955)

8.24.020 Fire season.

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

(Ord. 514 § 3, 1955)

8.24.030 Uncontained open fire permit – Required.

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

(Ord. 514 § 5, 1955)

8.24.040 Uncontained open fire permit – Conditions.

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

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

(Ord. 514 § 5, 1955)

8.24.050 Permit revocation authorized.

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

(Ord. 514 § 6, 1955)

8.24.060 Fire chief duties.

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

(Ord. 514 § 7, 1955)

8.24.070 Stove or furnace approval.

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

(Ord. 514 § 1, 1955)

8.24.080 Contained open fires – Inspection.

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

(Ord. 514 § 4, 1955)

8.24.090 Open fires – Permit required.

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

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

8.24.100 Open fires – Supervision.

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

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

8.24.110 Appeal.

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

(Ord. 514 § 8, 1955)

8.24.120 Violation – Penalty.

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

(Ord. 514 § 9, 1955)

Article II. Inspection of Premises

8.24.130 Required.

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

(Ord. 240 § 1, 1926)

8.24.140 Flammable materials – Order to remove.

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

(Ord. 240 § 1, 1926)

8.24.150 Service of removal order.

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

(Ord. 240 § 1, 1926)

8.24.160 Appeal of removal order.

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

(Ord. 240 § 1, 1926)

8.24.170 Violation – Penalty.

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

(Ord. 240 § 2, 1926)

Chapter 8.28 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)

8.28.110 Chapter implements state law.

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

(Ord. 1416 § 1, 2014)

8.28.120 Enforcement.

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

(Ord. 1416 § 1, 2014)

8.28.130 Penalty for violations.

- A. Except as set forth below, any person violating or failing to comply with the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided therefor.
- B. Except as allowed under CEMC Section 8.28.040, the discharge of fireworks by an individual, group, or organization shall be a civil infraction with a penalty of one thousand dollars for each violation.
- C. For purposes of this section, the term "individual" means a natural person and excludes any firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

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

8.28.140 Sale of fireworks - Requirements.

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

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

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

1. For bodily injuries: not less than five hundred thousand dollars per person and two million dollars per event; and
2. For property damage: not less than five hundred thousand dollars per event.
3. The general liability policy required by this section shall name the city of Cle Elum as an additional insured, must be in full force and effect for the duration of the permit, and shall include a provision prohibiting cancellation of the policy without thirty days' written notice to the city. The policy shall be in a form approved by the city attorney.

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

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

1. Fireworks stands shall comply with all provisions of the building code and related safety codes and shall be constructed in such a manner so as not to endanger the safety of attendants and patrons.
2. No fireworks stand shall be located within fifty feet of any other building or structure, nor within one-quarter of one mile of any gasoline station, oil storage tank or premises where flammable liquids are kept or stored.
3. Each fireworks stand must have at least two exits which shall be unobstructed at all times.
4. Each fireworks stand shall have a fire extinguisher in a readily accessible place duly approved in advance by the fire chief.
5. All weeds, grass and combustible material shall be cleared from the location of the fireworks stand and the surrounding area a distance of not less than twenty feet, measured from the exterior walls on each side of the fireworks stand.
6. No smoking shall be permitted in or near a fireworks stand, and the same shall be posted with proper "No Smoking" signs.
7. Each fireworks stand shall have an adult in attendance at all times that the stand is stocked. Stock from the stand shall not be removed or stored in any other building during the sales period without the express written approval of the fire chief.

8. No fireworks stand shall be located within a radius of one-quarter mile from any other stand.
9. Each fireworks stand shall have provision for sufficient off-street parking, in the opinion of the fire chief, to avoid impeding continuous flow of traffic at entrances and exits from the premises.
10. Each fireworks stand shall post prominently a list of fireworks that may be sold.
11. Each fireworks stand shall post prominently at the point of sale that igniting, exploding, or discharging fireworks is unlawful within the city limits, except as allowed under CEMC Section 8.28.040.

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

(Ord. 1599 § 4, 2020)

Chapter 8.32

STORING OF AUTOMOBILES IN PUBLIC OR PRIVATE GARAGES

Sections:

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

8.32.010 Construction.

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

(Ord. 138 § 1, 1912)

8.32.020 Storage of gasoline.

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

(Ord. 138 § 1, 1912)

8.32.030 Violation – Penalty.

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

(Ord. 138 § 2, 1912)

Chapter 8.36

STORAGE OF GASOLINE, BENZINE OR NAPHTHA

Sections:

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

8.36.010 Storage restrictions.

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

(Ord. 142 § 1, 1912)

8.36.020 Storage tanks.

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

(Ord. 142 § 2, 1912)

8.36.030 Quantity limitation.

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

(Ord. 142 § 3, 1912)

8.36.040 Labeling of cans.

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

(Ord. 142 § 4, 1912)

8.36.050 Violation – Penalty.

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

(Ord. 142 §§ 5, 6, 1912)

Chapter 8.40

PETROLEUM FUEL BURNING EQUIPMENT

Sections:

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

8.40.010 Permits.

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

(Ord. 407 § 1, 1947)

8.40.020 Approval and inspection.

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

(Ord. 407 § 2, 1947)

8.40.030 Floor furnaces.

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

(Ord. 407 § 3, 1947)

8.40.040 Regulations.

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

(Ord. 407 § 4, 1947)

8.40.050 Violation – Penalty.

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

(Ord. 407 § 5, 1947)

Chapter 8.44 CAMPING WITHIN CITY LIMITS

Sections:

- 8.44.010 Location.**
- 8.44.020 Disposal of garbage.**
- 8.44.030 Sanitary facilities required.**
- 8.44.040 Violation – Penalty.**

8.44.010 Location.

No person, firm, or corporation shall erect, establish or maintain within the corporate limits of the city, any camp, shack or other place of temporary abode, except by permission of the city council granted on a case-by-case basis.

(Ord. 1152 § 1, 2001; Ord. 183 § 1, 1918)

8.44.020 Disposal of garbage.

All solid or semisolid kitchen refuse shall be disposed of in watertight trash receptacles, provided with tight-fitting covers, which shall at all times be kept securely in place on the receptacle so as to prevent the ingress or egress of

flies. All trash receptacles must be emptied daily and contents cremated or otherwise disposed of in a manner approved of the city health officer.

(Ord. 1152 § 2, 2001; Ord. 183 § 2, 1918)

8.44.030 Sanitary facilities required.

Each camp site shall be provided with at least two sanitary toilets, and such toilets shall conform to the requirements of city and state regulations pertaining to the disposal of such waste.

(Ord. 1152 § 3, 2001; Ord. 183 § 3, 1918)

8.44.040 Violation – Penalty.

Any person violating any provision of this chapter is deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars or more than fifty dollars.

(Ord. 183 § 4, 1918)

Chapter 8.48

TELEVISION AND RADIO ANTENNAS

Sections:

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

8.48.010 Purpose.

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

(Ord. 497 § 1, 1954)

8.48.020 Definitions.

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

- A. "Antenna" means the outdoor portion of the receiving equipment used for receiving or radiating television or radio waves.
- B. "Height" means the overall vertical length of the antenna system above the ground, or, if the system is located on a building, then above that part of the level of the building upon which the system rests.
- C. "Inspector" means the designated electrical or antenna inspector of the city, or his duly authorized assistant.
- D. "Mast" means that portion of the outside antenna system to which the antenna is attached, and the support or extension required to elevate the antenna to a height deemed necessary for adequate operation.
- E. "Person" means and includes any person, firm, partnership, association, corporation, company or organization of any kind.

(Ord. 497 § 2, 1954)

8.48.030 Permit required.

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

(Ord. 497 § 3, 1954)

8.48.040 Applications for permits.

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

(Ord. 497 § 5, 1954)

8.48.050 Fees.

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

- A. Wrong address;
- B. Condemned working resulting from faulty construction;
- C. Repairs or corrections not made when inspection is called;
- D. Work not ready for inspection when called.

(Ord. 497 § 4, 1954)

8.48.060 Inspector duties, rights and powers.

- A. It is the duty of the inspector and his authorized assistants to inspect all television and radio receiving antennas as specified in this chapter to ascertain if the work has been done in a workmanlike manner.
- B. The inspector and his assistants are empowered to inspect or reinspect any wiring, equipment or apparatus within the provisions of this chapter, and if conductors, equipment or apparatus are found to be unsafe to life or property, or are not in conformity with the provisions of this chapter, the inspector shall notify the person owning or operating the hazardous wiring or equipment to correct the condition within a forty-eight-hour period or within the time the inspector specifies. Failure to correct violations within the specified time shall constitute a violation of this chapter.

(Ord. 497 § 6, 1954)

8.48.070 Interference with and notices to inspector.

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

(Ord. 497 § 7, 1954)

8.48.080 Bond required.

Every person engaged in the business of making television or radio receiving antenna installations, or in repairing and/or doing maintenance work on television or radio antennas, shall annually file with the city clerk a good and sufficient bond in the sum of ten thousand dollars, executed by a bonding or surety company authorized to do business in the state and approved by the city attorney. The bond shall be conditioned upon the faithful observance of all laws and ordinances of the city, and shall indemnify, save and keep harmless the city from any and all damages, judgments, costs or expenses which the city may incur or suffer by reason of the granting of a permit to install, repair or maintain the antenna or perform any services thereon. The bond shall run to the city for the use and benefit of any person who may suffer injuries or property damages by reason of the permit granted under this chapter. The maintenance of the bond in full force and effect is a prerequisite to the issuance of any permit required under the provisions of this chapter. A liability insurance policy issued by an insurance company authorized to do business in the state which conforms to the above requirements may be permitted in lieu of a bond. This provision shall not apply to personal installations, repairs or maintenance of the antenna by an owner or occupant; provided, however, that the owner or occupant gives sufficient proof to the inspector that he is qualified to perform the work in conformity with the provisions of this chapter; and provided further, that the owner or occupant files with his application for a permit an affidavit stating that he will make the installation, repair or maintenance on his own premises only.

(Ord. 497 § 8, 1954)

8.48.090 Technical requirements.

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

- A. Every mast and antenna installed on a roof is mounted on its own platform or plate, which shall be of such design as to adequately transfer the stresses to the roof system.
- B. Outdoor antennas shall be of an approved type. A separate set of guy wires shall be required for each ten feet in height, with a maximum of one hundred twenty degrees horizontally between guy wires. The vertical angle between guy wires and mast shall be not less than thirty degrees. Guy wires shall be not less than three thirty-secondths of an inch, five-strand cable or equivalent, galvanized; shall be securely anchored, and the top set of guy wires shall be anchored separately.

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

- C. In no case shall an antenna be installed nearer to a street, sidewalk or power line than the height of the antenna plus eight feet, and no wires, cables or guy wires shall cross or extend over any part of any street or public sidewalk, unless approved by the inspector.
- D. Whenever it is necessary to install antenna near power lines, or where damage would be caused by its failing, a separate safety wire must be attached to the top of the mast, and secured in a direction away from the hazard.
- E. Masts shall not be secured to brick chimneys.
- F. Turnbuckles, when used, shall be protected against turning by threading the guy wires through the turnbuckle.
- G. Every antenna must be adequately grounded for protection against a direct stroke of lighting with a No. 8 aluminum or No. 8 copper ground wires, grounded to water piping continuing a minimum of ten feet outside the building or to a driven ground rod, six feet in length.
- H. Transmission lines must be kept at least six inches clear of telephone or light wires.
- I. Rawl plugs are approved only for supporting transmission lines.
- J. Lightning arrestors shall be approved as safe by the Underwriter's Laboratories, Inc., and both sides of the line must be adequately protected with proper arrestors or neon lamps to remove static charges accumulated on the line.
- K. When lead-in conductors of polyethylene ribbon-type are used, lightning arrestors must be installed in each conductor.
- L. When coaxial cable or shielded twin-lead is used for leading, suitable protection may be provided without lightning arrestors by grounding the exterior metal sheath.
- M. Ground straps for grounding masts and attaching arrestors to water pipe shall be approved ground fittings.
- N. The miscellaneous hardware, such as brackets, turnbuckles, thimbles, clips, and similar type equipment subject to rust or corrosion, shall be protected with a zinc or cadmium coating by either galvanizing or sherardizing process after forming.

(Ord. 497 § 9, 1954)

8.48.100 Maker identification.

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

(Ord. 497 § 10, 1954)

8.48.110 Applicability to automobiles.

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

(Ord. 497 § 12, 1954)

8.48.120 Codes supplemental to this chapter.

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

(Ord. 497 § 11, 1954)

8.48.130 Penalty for violation.

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

(Ord. 497 § 13, 1954)

Chapter 8.52 AIRCRAFT OPERATION

Sections:

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

8.52.010 Altitude restrictions.

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

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

(Ord. 1613 § 1 (Exh. A), 2021)

8.52.020 Dangerous maneuvers – Dropping articles while in flight.

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

(Ord. 1613 § 1 (Exh. A), 2021)

8.52.030 Landing within city limits.

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

(Ord. 1613 § 1 (Exh. A), 2021)

8.52.040 Establishing flying or landing fields – Permit.

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

(Ord. 1613 § 1 (Exh. A), 2021)

8.52.050 Helicopter landing.

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

1. A helicopter landing permit must be obtained from the chief of the Cle Elum police department in accordance with subsection (B) of this section.
2. Each flight must be conducted at an altitude and over a route that will allow the helicopter to be landed in an emergency without hazard to persons or property on the earth surface.
3. The landing space shall be at least one and one-half times the length of the rotor blade measured from end to end.
4. The landing space shall be protected by rope, barricade or similar means suitable for restraint of persons. Personnel shall be stationed at points inside the restricted area to guard against persons from entering the landing space.

B. *Permit – Application.*

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

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

- a. The name, address and telephone number of the applicant; name, address and telephone number of any sponsoring organization; name, address and telephone number of any persons having charge or control of the helicopter landing;
- b. The date and time of the proposed helicopter operation and landing;
- c. The location of the proposed helicopter operation and landing place;
- d. The time of takeoff from the landing space;
- e. The route to be traveled by the helicopter in approaching and leaving the landing space;
- f. The purpose for the helicopter operation and landing; and
- g. Payment of the aircraft operation permit fee as set forth by resolution of the city council.

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

(Ord. 1613 § 1 (Exh. A), 2021)

Chapter 8.60

CODE ENFORCEMENT

Sections:

- | | |
|-----------------|--|
| 8.60.010 | Purpose. |
| 8.60.020 | Definitions. |
| 8.60.030 | Conflicting code provisions. |
| 8.60.040 | Joint and several responsibility and liability. |
| 8.60.050 | Computation of time. |
| 8.60.060 | Interference with code enforcement unlawful. |
| 8.60.070 | Service of documents. |

- 8.60.080 Violations.**
- 8.60.090 Infractions.**
- 8.60.100 Voluntary correction.**
- 8.60.110 Stop work order.**
- 8.60.120 Notice of civil violation.**
- 8.60.130 Response to notice of civil violation.**
- 8.60.140 Scheduling of hearing to contest or mitigate – Correction prior to hearing.**
- 8.60.150 Contested hearing – Procedure.**
- 8.60.160 Mitigation hearing – Procedure.**
- 8.60.170 Decision of hearing examiner.**
- 8.60.180 Failure to appear – Default order.**
- 8.60.190 Judicial review.**
- 8.60.200 Recovery of penalties and costs.**
- 8.60.210 Abatement.**
- 8.60.220 Right of entry.**

8.60.010 Purpose.

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

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.020 Definitions.

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

“Abate” means to act to stop an activity and/or to repair, replace, remove, or otherwise remedy a condition, when such activity or condition constitutes a violation of this code or a city regulation, by such means and in such a

manner and to such an extent as the applicable department director, enforcement officer, or other authorized official determines is necessary in the interest of the general health, safety, and welfare of the community. For the purposes of this chapter, the verbs "abate" and "correct" shall be interchangeable and have the same meaning.

"Act" means doing or performing something.

"City" means the city of Cle Elum, Washington.

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

"Code" means the Cle Elum Municipal Code.

"Code enforcement officer" or "enforcement officer" means the city's code enforcement officer(s); the building official; building inspectors; construction inspectors; the fire marshal or his or her designee; fire inspectors; the chief of the Cle Elum police department or his or her designee; the director of the planning department or his or her designee; the director of the public works department or his or her designee; or any other person or persons assigned or directed by the city administrator or his or her designee to enforce the regulations subject to the enforcement and penalty provisions of this chapter.

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

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

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

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

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

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

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

"Omission" means a failure to act.

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

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

"Person responsible for the violation" or "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)

8.60.090 Infractions.

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

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

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.100 Voluntary correction.

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

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

1. The name and address of a person responsible for the violation;
2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;
3. A description of the violation and a reference to the code provisions that have been violated;

4. A statement indicating what corrective actions are required and a correction deadline stating the date by which the corrective actions must be completed to the satisfaction of the code enforcement officer in order for the violator to avoid the issuance of a notice of violation;
5. An agreement by the person responsible for the violation that the city may inspect the premises as may be necessary to determine compliance with the voluntary correction agreement;
6. An agreement by the person responsible for the violation and/or the owner(s) of property on which the violation has occurred or is occurring that, if the terms of the voluntary correction agreement are not met, the city may enter the property, abate the violation, and recover its costs and expenses as provided in this chapter;
7. An agreement that by entering into the voluntary correction agreement, the person responsible for the violation waives the right to a hearing before the hearing examiner under this chapter regarding the violation, any penalty, and/or required corrective action; and
8. A statement indicating that, pursuant to CEMC Section 8.60.120, a notice of civil violation may be issued with each violation constituting a separate offense subject to civil penalties, or, alternatively, civil infraction or criminal charges may be filed.

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

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

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

1. *Abatement by the City.* In addition to any other remedy provided for in this chapter, the city may abate the violation in accordance with CEMC Section 8.60.210 if the terms of the voluntary correction agreement are not met.
2. *Penalties and Costs.* If the terms of the voluntary correction agreement are not met, the person responsible for the violation may be issued a notice of civil violation and assessed a monetary penalty in accordance with CEMC Section 8.60.120, plus all costs and expenses of abatement. Alternatively, the city may file a civil infraction or criminal charges.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.110 Stop work order.

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

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

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

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

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

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.120 Notice of civil violation.

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

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

correction agreement. The city shall have the discretion to impose penalties in an amount lower than those shown above.

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

1. The name and address of a person responsible for the violation;
2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;
3. A description of the violation and a reference to the provision violated and a description of what must be done to correct the violation;
4. A statement indicating that the violator must respond to the notice of civil violation within fourteen days of the date of issuance, or within such other time period as specified in the notice of civil violation, by doing one of the following:
 - a. Paying any fine and correcting the violation;
 - b. Entering into and complying with a voluntary correction agreement with the city;
 - c. Requesting a mitigation hearing and correcting the violation; or
 - d. Requesting a hearing to contest the violation;
5. A statement indicating that failure to respond to the notice of violation, or failure to attend any hearing, shall result in the violation being deemed committed without requiring further action by the city, and that the monetary penalty specified in the notice shall be due to the city by the violator and further accrue as provided; and
6. A statement indicating that payment of a monetary penalty does not relieve the person or entity named in the notice of civil violation of the duty to abate the violation, and that failure to abate may result in the issuance of additional notices of violation and/or criminal charges, with additional civil and/or criminal penalties, including the payment of costs for any abatement action taken by the city.

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

E. *Transfer of Ownership.* It shall be unlawful for the owner of any dwelling unit or structure who has received a notice of civil violation to sell, transfer, mortgage, lease, or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of civil violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of civil violation issued by the code enforcement officer and shall furnish to the code enforcement officer a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of

such compliance order or notice of civil violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. This provision shall not apply to the following types of transfers of real property: a gift or other transfer to a parent, spouse, domestic partner, or child of a transferor or child of any parent, spouse, or domestic partner of a transferor; a transfer between spouses or between domestic partners in connection with a marital dissolution or dissolution of a state registered domestic partnership; a transfer made by the personal representative of the estate of the decedent or by a trustee in bankruptcy; and a tax deferred exchange to an intermediary or facilitator.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.130 Response to notice of civil violation.

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

1. Paying the amount of the monetary penalty as set forth in the notice of violation. Partial payment or payment using a check that is rejected for insufficient funds shall not be deemed payment under this subsection. Payment of the fine shall not relieve the person or entity responsible for the violation from the duty to correct or abate the violation. Additional notices of violation may be issued if the violation goes uncorrected;
2. Entering into a voluntary correction agreement with the city;
3. Contesting the notice of civil violation by requesting a contested hearing in writing and sending the request to the city as described in subsection (B) of this section; or
4. Seeking to mitigate the monetary penalty by requesting a mitigation hearing to explain the circumstances surrounding the violation. The request to mitigate must be made in writing and sent to the city with a one-hundred-dollar filing fee as described in subsection (B) of this section. Requesting to mitigate the penalty shall not relieve the person responsible for the violation from the duty to correct or abate the violation. Additional notices of violation may be issued if the violation goes uncorrected.

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

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

(Ord. 1640 § 1 (Exh. A), 2022)

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

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

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

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.150 Contested hearing – Procedure.

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

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

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

- C. The parties are responsible for securing the appearance of any witnesses they may wish to call. Neither the city nor the hearing examiner shall have the burden of securing any witnesses on behalf of the person who is contesting the violation(s) or seeking to mitigate the penalties;
- D. Formal rules of evidence shall not apply to any such hearing, and the hearing examiner shall allow hearsay testimony by the parties and not require proof of chain of custody for evidence that is presented; provided, that the hearing examiner shall determine the weight to be assigned to any evidence presented; and
- E. Any notes, reports, summaries, photographs, or other materials prepared by the parties shall be admitted into evidence if requested; provided, that the parties are free to argue the weight that should be assigned by the hearing examiner to any evidence submitted.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.160 Mitigation hearing – Procedure.

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

- A. The person responsible for the violation shall be given the opportunity to explain or provide evidence regarding the nature of the violation, why the violation exists, why the violation has not been abated or corrected, and any other information the hearing examiner determines is relevant; and
- B. The city shall be given the opportunity, at its discretion, to provide evidence of the nature of the violation, evidence to rebut assertions made by any party, and any other information or evidence the hearing examiner deems to be relevant.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.170 Decision of hearing examiner.

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

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

2. For violations found committed, the monetary penalties and costs being assessed pursuant to this chapter; provided, that where the person has requested to mitigate the monetary penalty, the hearing examiner may reduce the monetary penalty for each violation, but in no case shall the penalty be reduced to an amount less than one hundred dollars for each violation found committed;
3. For violations found committed, any required corrective actions and compliance dates;
4. For violations found committed, a finding that abatement of the violations by the city is authorized at the expense of the person responsible for the violations; and
5. A statement notifying the person responsible for the violation that he or she is subject to additional civil and/or criminal penalties if any violation that was the subject of the hearing has not been corrected or abated as required by the hearing examiner's order.

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

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.180 Failure to appear – Default order.

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

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.190 Judicial review.

Judicial review of a decision by the hearing examiner relating to any ordinance regulating the improvement, development, modification, maintenance, or use of real property may be sought by any person aggrieved or adversely affected by the decision pursuant to the provisions of the Land Use Petition Act, Chapter 36.70C RCW, if

applicable, or other applicable authority, if any, if the petition or complaint seeking review is filed and served on all parties within twenty-one days of the date of the decision. For purposes of this section, “aggrieved or adversely affected” shall have the meaning set forth in RCW 36.70C.060(2). Judicial review of all other decisions may only occur subject to the procedures of Chapter 7.16 RCW.

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.200 Recovery of penalties and costs.

A. *Payment of Monetary Penalties and Costs.* Any monetary penalties or costs assessed pursuant to this chapter constitute a personal obligation of the person responsible for the violation. In addition, the monetary penalties or costs assessed pursuant to this chapter may be assessed against the property that is the subject of the enforcement action. The city attorney is authorized to collect the monetary penalty or costs by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem monetary penalties so long as the violation continues. The city may incorporate any outstanding penalty or cost into an assessment lien if the city incurs costs of abating the violation. Any monetary penalty assessed must be paid in full to the city within thirty days from the date of service of an uncontested notice of civil violation or any order of the hearing examiner that assesses monetary penalties.

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

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

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

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

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.210 Abatement.

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

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

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

(Ord. 1640 § 1 (Exh. A), 2022)

8.60.220 Right of entry.

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

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

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

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

(Ord. 1640 § 1 (Exh. A), 2022)

The Cle Elum Municipal Code is current through Ordinance 1667, passed March 12, 2024.

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

City Website: cityofcleelum.com

City Telephone: (509) 674-2262

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Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.01	Substance Abuse
9.04	Assault and Battery
9.08	Houses of Ill Fame
9.12	Disorderly Conduct
9.16	Public Indecency
9.20	Theft
9.24	Trespass and Vehicle Prowling
9.28	Minors
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9.44	Violation of Domestic Violence Orders
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9.80	Reckless Endangerment
9.84	Minors in Possession of Liquor

Chapter 9.01

SUBSTANCE ABUSE

Sections:

9.01.010	Substance abuse – Violation – Penalty.
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9.01.010 Substance abuse – Violation – Penalty.

In any case arising out of violation of this code where an accused has been convicted of possession of marijuana or an offense relating to the use, possession or consumption of alcohol, there shall be, in addition to any fine levied pursuant to Section 1.16.010 of this code, a penalty in the amount of one hundred dollars per offense, which shall be non-suspendable, and which shall be paid into the police department's substance abuse prevention fund. The fact that this penalty is imposed in each case shall not in any way reduce the obligation of the accused to pay the fine prescribed by the court. In no case shall the fine pursuant to Section 1.16.010 of this code and the penalty enacted above exceed the total amount of five thousand dollars.

(Ord. 896 § 4, 1989)

Chapter 9.04 ASSAULT AND BATTERY

Sections:

9.04.010 Assault IV.

9.04.020 Domestic violence designation.

9.04.010 Assault IV.

RCW 9A.36.041 is hereby adopted by reference as currently enacted or as hereafter amended or recodified.

(Ord. 1648 § 1, 2023; Ord. 23 § 2, 1902)

9.04.020 Domestic violence designation.

Chapter 10.99 RCW is hereby adopted by reference as currently enacted or as hereafter amended or recodified.

(Ord. 1648 § 2, 2023; Ord. 436 § 1, 1949; Ord. 23 § 4, 1902)

Chapter 9.08 HOUSES OF ILL FAME

Sections:

9.08.010 Unlawful.

9.08.020 Violation – Penalty.

9.08.010 Unlawful.

It is unlawful for any person or persons to keep any house of ill fame, within the limits of the city, resorted to for the purpose of prostitution and lewdness, or to reside in such house for the purpose aforesaid.

(Ord. 17 § 1, 1912)

9.08.020 Violation – Penalty.

Any person violating any of the provisions of this chapter is deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than ten dollars and not more than one hundred dollars.

(Ord. 17 § 2, 1912)

Chapter 9.12 DISORDERLY CONDUCT

Sections:

- 9.12.010 Definition.**
- 9.12.020 Disorderly conduct.**
- 9.12.030 Penalty – Misdemeanor.**

9.12.010 Definition.

"Public place," for purposes of this chapter, shall mean an area generally visible to public view, and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink to provide entertainment, and the doorways and entrances to those buildings or dwellings and the grounds enclosing them.

(Ord. 1612 § 1 (Exh. A), 2021)

9.12.020 Disorderly conduct.

A person is guilty of disorderly conduct if the person:

- A. Uses abusive language and thereby intentionally creates a risk of assault; or
- B. Intentionally disrupts any lawful assembly or meeting of persons without the lawful authority; or

- C. Intentionally obstructs vehicular or pedestrian traffic without lawful authority; or
- D. Is fighting another person or persons in a public place or in the public view.

(Ord. 1612 § 1 (Exh. A), 2021)

9.12.030 Penalty – Misdemeanor.

Disorderly conduct is a misdemeanor and may result in a sentence of up to ninety days in jail and fines up to one thousand dollars.

(Ord. 1612 § 1 (Exh. A), 2021)

Chapter 9.16 PUBLIC INDECENCY

Sections:

- 9.16.010 Definition.**
- 9.16.020 Urinating and/or defecating in public.**
- 9.16.030 Penalty.**

9.16.010 Definition.

"Public place," for purposes of this chapter, shall mean an area generally visible to public view, and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink to provide entertainment, and the doorways and entrances to those buildings or dwellings and the grounds enclosing them.

(Ord. 1610 § 2 (Exh. A), 2021)

9.16.020 Urinating and/or defecating in public.

It is unlawful for any person to intentionally urinate or defecate in a public place, other than in a toilet, urinal, washroom, toilet room or portable toilet, where such act could be observed by any member of the public.

(Ord. 1610 § 2 (Exh. A), 2021)

9.16.030 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 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. Any person who violates this chapter and has been found to have committed two prior violations of this chapter shall be guilty of a misdemeanor.

(Ord. 1610 § 2 (Exh. A), 2021)

Chapter 9.20 THEFT

Sections:

- 9.20.010 Intent.**
- 9.20.020 Definitions.**
- 9.20.030 Definition – Defense.**
- 9.20.040 Offense.**
- 9.20.050 Knowledge.**
- 9.20.060 Complicity.**
- 9.20.070 Violation – Penalty.**

9.20.010 Intent.

A person acts with intent or intentionally when he acts with the objective or purpose to accomplish a result which constitutes a violation of this chapter.

(Ord. 731 § 1, 1978)

9.20.020 Definitions.

The following definitions are applicable unless the context otherwise requires:

- A. “Appropriate lost or misdelivered property or services” means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property.
- B. “By color or aid of deception” means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services.

- C. "Credit card" means any instrument or device, whether incomplete, revoked, or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any other name, issued with or without fee for the use of the cardholder in obtaining money, goods, services, or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder, either on credit or in consideration of an undertaking or guarantee by the issuer.
- D. "Deception" occurs when an actor knowingly:
1. Creates or confirms another's false impression which the actor knows to be false; or
 2. Fails to correct another's impression which the actor previously has created or confirmed; or
 3. Prevents another from acquiring information material to the disposition of the property involved; or
 4. Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official records; or
 5. Promises performance which the actor does not intend to perform or knows will not be performed.
- E. "Deprive" means to make unauthorized use of an unauthorized copy of records, information, data, trade secrets, or computer programs; provided, that the aforementioned are of a private proprietary nature.
- F. "Obtain control over" means:
1. In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or
 2. In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another.
- G. "Wrongfully obtains" or "exerts unauthorized control," means:
1. To take the property or services of another; or
 2. Having any property or services in one's possession, custody or control as bailee, factor, pledgee, servant, attorney, agent, employee, trustee, executor, administration, guardian, or officer of any person, estate, association, or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his own use or to the use of any person other than the true owner or person entitled thereto.
- H. "Owner" means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services.
- I. "Receive" includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property.

J. "Services" includes, but is not limited to, labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment, the use of equipment for use, and the use supplying of commodities of a public utility nature such as gas, electricity, steam, and water.

K. Value:

1. "Value" means the market value of the property or services at the time and in the approximate area of the criminal act.
2. Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:
 - a. The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied.
 - b. The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of the ticket or equivalent instrument which the issuer charged the general public.
 - c. The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.
3. Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding two hundred fifty dollars.

(Ord. 731 § 4, 1978)

9.20.030 Definition – Defense.

A. "Theft" means:

1. To wrongfully obtain or exert unauthorized control over the property or services of another or the value thereof, with intent to deprive him of such property or services; or
2. By color or aid of deception to obtain control over the property or services of another or the value thereof, with intent to deprive him of such property or services; or
3. To appropriate lost or misdelivered property or services of another, or the value thereof, with intent to deprive him of such property or services.

B. In any prosecution for theft, it is a sufficient defense that the property or service was appropriated openly and avowedly under a claim of title preferred in good faith, even though the claim be untenable.

(Ord. 731 § 5, 1978)

9.20.040 Offense.

A person is guilty of theft if he commits theft of property or services which does not exceed two hundred fifty dollars in value or which does not amount to a felony theft.

(Ord. 731 § 6, 1978)

9.20.050 Knowledge.

A person knows or acts knowingly or with knowledge when:

- A. He is aware of a fact, facts, or circumstances or result described by this chapter; or
- B. He has information which would lead a reasonable man in the same situation to believe that facts exist which facts are described in this chapter.

(Ord. 731 § 2, 1978)

9.20.060 Complicity.

A. A person is guilty of violation of this chapter if the acts which constitute the violation are committed by the conduct of another person for which said person is legally accountable.

B. A person is legally accountable for the conduct of another person when:

- 1. Acting with the kind of culpability that is sufficient for the commission of the offense described in this chapter, he causes an innocent or irresponsible person to engage in such conduct; or
- 2. He is an accomplice of such other person in the commission of the violation of this chapter.

C. A person is an accomplice of another person in the violation of this chapter if, with knowledge that it will promote or facilitate the commission of the violation of this chapter, he:

- 1. Solicits, commands, encourages, or requests such other person to commit it; or
- 2. Aids or agrees to aid such other person in planning or committing it.

D. Unless otherwise provided, a person is not an accomplice in the violation of this chapter committed by another person if:

1. He is a victim of the violation; or
2. He terminates the complicity prior to the commission of the violation of this chapter, and either gives timely warning to the law enforcement authorities or otherwise makes a good faith effort to prevent the commission of the violation of this chapter.

E. A person legally accountable for the conduct of another person may be convicted on proof of the commission of the violation of this chapter and of his complicity therein, though the person claimed to have committed the violation of this chapter has not been prosecuted or convicted or has been convicted of a violation of a different ordinance or has an immunity to prosecution or conviction or has been acquitted.

(Ord. 731 § 3, 1978)

9.20.070 Violation – Penalty.

Any person found guilty of theft as defined in this chapter shall be fined in an amount not to exceed five hundred dollars.

(Ord. 731 § 7, 1978)

Chapter 9.24 TRESPASS AND VEHICLE PROWLING

Sections:

- 9.24.010 Intent.**
- 9.24.020 Definitions.**
- 9.24.030 Trespass – Designated.**
- 9.24.040 Trespass – Defenses.**
- 9.24.050 Vehicle prowling – Defined.**
- 9.24.060 Knowledge.**
- 9.24.070 Complicity.**
- 9.24.080 Violation – Penalty.**

9.24.010 Intent.

A person acts with intent or intentionally when he acts with the objective or purpose to accomplish a result which constitutes a violation of this chapter.

(Ord. 738 § 1, 1978)

9.24.020 Definitions.

A. *Enter.* The word "enter," when constituting an element or part of a crime, includes the entrance of the person, or the insertion of any part of his body, or any instrument or weapon held in his hand and used or intended to be used to threaten or intimidate a person or to detach or remove property.

B. *Enters or remains unlawfully.* A person "enters or remains unlawfully" in or upon premises when he is not then licensed, invited, or otherwise privileged to so enter or remain. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of a building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner.

D. "Premises" means and includes any building, dwelling, or any real property.

(Ord. 738 § 4, 1978)

9.24.030 Trespass – Designated.

A person is guilty of trespass if he knowingly enters or remains unlawfully in or upon premises of another.

(Ord. 738 § 5, 1978)

9.24.040 Trespass – Defenses.

In any prosecution under this chapter it is a defense that:

A. A building involved was abandoned; or

B. The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or

C. The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain.

(Ord. 738 § 6, 1978)

9.24.050 Vehicle prowling – Defined.

A person is guilty of vehicle prowling, if, with intent to commit a crime against a person or property therein, he enters or remains unlawfully in a vehicle.

(Ord. 738 § 7, 1978)

9.24.060 Knowledge.

A person knows or acts knowingly or with knowledge when:

- A. He is aware of a fact, facts, or circumstances or result described by this chapter; or
- B. He has information which would lead a reasonable man in the same situation to believe that facts exist which facts are described by this chapter.

(Ord. 738 § 2, 1978)

9.24.070 Complicity.

A. A person is guilty of violation of this chapter if the acts which constitute the violation are committed by the conduct of another person for which the person is legally accountable.

B. A person is legally accountable for the conduct of another person when:

- 1. Acting with the kind of culpability that is sufficient for the commission of the offense described in this chapter, he causes an innocent or irresponsible person to engage in such conduct; or
- 2. He is an accomplice of such other person in the commission of the violation of this chapter.

C. A person is an accomplice of another person in the violation of this chapter if, with knowledge that it will promote or facilitate the commission of the violation of this chapter, he:

- 1. Solicits, commands, encourages, or requests such other person to commit it; and
- 2. Aids or agrees to aid such other person in planning or committing it.

D. Unless otherwise provided a person is not an accomplice in the violation of this chapter committed by another person if:

1. He is a victim of the violation; or
2. He terminates the complicity prior to the commission of the violation of this chapter, and either gives timely warning to the law enforcement authorities or otherwise makes a good faith effort to prevent the commission of the violation of this chapter.

E. A person legally accountable for the conduct of a another person may be convicted on proof of the commission of the violation of this chapter and of his complicity therein, though the person claimed to have committed the violation of this chapter has not been prosecuted or convicted or has been convicted of a violation of a different ordinance or has an immunity to prosecution or conviction or has been acquitted.

(Ord. 738 § 3, 1978)

9.24.080 Violation – Penalty.

Any person found guilty of trespass or vehicle prowling as defined in this chapter shall be fined in an amount not to exceed five hundred dollars.

(Ord. 738 § 8, 1978)

Chapter 9.28 MINORS

Sections:

- 9.28.010 Definitions.**
- 9.28.020 Consumption of liquor by minors.**
- 9.28.030 Sale to minors – Prohibited.**
- 9.28.040 Violation – Penalty.**

9.28.010 Definitions.

The terms “liquor” or “intoxicating liquor” mean alcohol, spirits, wine and beer, and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquor or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures

capable of human consumption, and any liquid, semisolid, solid or other substance, which contain more than one percent of alcohol by weight, shall be conclusively deemed to be intoxicating.

(Ord. 484 § 1, 1952)

9.28.020 Consumption of liquor by minors.

It is unlawful for any person under the age of twenty-one years to acquire in any manner, consume, or have in his possession any intoxicating liquor; provided, that the foregoing shall not apply in the case of liquor given or permitted to be given to such person under the age of twenty-one years by his parents or guardian for medicinal purposes pursuant to the written prescription of his physician or dentist, or administered to him by his physician or dentist for medicinal purposes.

(Ord. 484 § 2, 1952)

9.28.030 Sale to minors – Prohibited.

Except as provided in Section 9.36.020, it is unlawful for any person to sell, give or otherwise supply intoxicating liquor to any person under the age of twenty-one years, or to any person apparently under the influence of liquor, or to any interdicted person (habitual drunkard), in the city; or to permit any such person to consume intoxicating liquor on his premises or on any premises under his control in the city.

(Ord. 484 § 3, 1952)

9.28.040 Violation – Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than ten dollars nor more than two hundred dollars or to imprisonment in the city jail for not more than sixty days, or by both such fine and imprisonment.

(Ord. 484 § 4, 1952)

Chapter 9.30 CURFEW

Sections:

- 9.30.010 Purpose.**
- 9.30.020 Definitions.**

- 9.30.030 General prohibition.**
- 9.30.040 Exemptions.**
- 9.30.050 Authority to enforce.**
- 9.30.060 Violation – Penalty.**

9.30.010 Purpose.

- A. The city council of the city has determined that it is generally contrary to the well-being of juveniles to be outside their residences in the late night and early morning hours unsupervised and with no specific purpose.
- B. In order to protect those juveniles who are not subject to adequate parental control from harm to themselves or others or the property of others and to foster better parental responsibility among the parents and guardians of juveniles found with the city, some regulation of parental control of juvenile children is appropriate.
- C. Control of parents and guardians of juveniles who are in danger of harm to themselves and others based on certain proscribed conduct is to be accomplished to achieve better protection of the community and the juveniles.
- D. The city council has received information from the police department that juveniles who are not adequately supervised by their parents and/or guardians have become engaged in criminal activity at certain times and within certain areas of the city. It is the intent of this chapter to impose control upon the parents and/or guardians of juveniles who are present at certain times and certain places within the city to protect those juveniles and the community.

(Ord. 1022 § 1, 1995)

9.30.020 Definitions.

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

“Allow” includes those situations where the parent has failed to monitor or account for the child’s location between the hours of ten p.m. to five a.m. on school nights and between twelve a.m. and five a.m. other nights.

“Child” or “juvenile” means any unemancipated person, male or female, under the age of eighteen years.

“Parent” means the mother, father or both (both being referred to in singular as “parent”), guardian or other adult person having the legal care, custody or control of a child.

“Returning home” means traveling, walking, biking or otherwise moving from the point of departure to a child’s home or the residence of the person having the care, custody or control of said child for that evening. Said movement shall be directly from the point of departure to the destination to be accomplished within a reasonable period of time.

“School nights” means any night or early morning hours immediately preceding a regular school day as scheduled by the Cle Elum-Roslyn School District.

(Ord. 1022 § 1, 1995)

9.30.030 General prohibition.

No parent or custodian shall allow or permit any child he or she is responsible for to remain in or upon the public streets, roadways, alleys, parks, playgrounds or cemeteries, or in or upon private property, other than the child's usual place of residence, which is unoccupied, vacant, abandoned, or is not otherwise supervised by a reasonable adult between the hours of ten p.m. to five a.m. on school nights and between eleven p.m. and five a.m. on nonschool nights, except as otherwise permitted under the provisions of this chapter.

(Ord. 1046 § 1, 1996; Ord. 1022 § 1, 1995)

9.30.040 Exemptions.

A parent or guardian of the following juveniles shall be exempt from the enforcement provision of this chapter:

- A. Juvenile accompanied by his or her parent or guardian;
- B. A juvenile engaged in lawful employment;
- C. A juvenile on an errand or on legitimate business pursuant to instructions for his or her parent or guardian;
- D. A juvenile involved in an emergency concerning the person or property of himself, herself or another;
- E. A juvenile returning home from school or church sponsored activities or from other activities supervised by an adult. The term “returning home” means immediately and directly after participation in such activity, without a broken chain of sequences and time between the end of such event and the time such juvenile returns to his or her residence or such other place as shall be authorized by his or her parent.

(Ord. 1022 § 1, 1995)

9.30.050 Authority to enforce.

Law enforcement officers of the city shall have authority to reasonably stop and momentarily detain a juvenile to obtain his or her name, age and address, as well as the name and address of his or her parent or guardian whenever said law enforcement officer shall reasonably suspect that the parent of such juvenile is in violation of this chapter. Upon determination that the parent or guardian of such juvenile is in fact in violation of this chapter, the law enforcement officer shall direct or deliver the juvenile to the residence of his or her parent or guardian.

(Ord. 1022 § 1, 1995)

9.30.060 Violation – Penalty.

A. Upon a parent or guardian's first violation per child, notice thereof shall be given to the parent or guardian and a record of the violation shall be recorded with the police department. Upon the second violation involving the same child, a notice of infraction shall be served on the parent or guardian requiring the parent or guardian to appear for a hearing to be held in the municipal court, at which time the parent shall appear and answer to the charge of violating this chapter. Upon determination by the court that a second violation has occurred involving the same child, a fifty dollar penalty shall be imposed upon the parent with all required surcharges and assessments. Upon a third violation involving the same child, the parent or guardian shall be subject to a one hundred dollar penalty together with all required surcharges and assessments. Upon a fourth or subsequent violation involving the same child, the parent or guardian shall be subject to a two hundred fifty dollar penalty together with all required surcharges and assessments.

Enrollment in, and successful completion of a parenting improvement course, and or family counseling course approved by the municipal court may be imposed by the court in lieu of one penalty for violation per child. The costs of said course shall be the responsibility of the parent or guardian electing for this alternative. A certificate of successful completion of said course shall be provided to the court on completion of said course and the time limit for said course shall be set by the court upon recommendation of the counselor or instructor for the course.

B. The police department shall maintain a record of all juveniles found in those locations and at those times prohibited by this chapter. Such a record shall be conclusive proof that a juvenile has previously been the subject of inquiry pursuant to this chapter.

The police department shall maintain a record of all parents or custodians contacted and determined to have violated this chapter. Such list shall be made available to any juvenile court or child welfare or child-protective agency upon request.

C. Any parent or guardian unable to control the whereabouts and activities of a juvenile in their care, custody or control shall contact the police department and report such juvenile as possibly appearing in locations and at times that violate this chapter. In such case, the parent or guardian shall not be responsible for actions of the juvenile for the purposes of this chapter, but the police department may consider reporting such juvenile to the Department of Social and Health Services as a dependent or runaway child.

D. At the time the police department issues a warning or notice of infraction to any parent or guardian for violation of this chapter, the police department may consider reporting the circumstances of such juvenile as needing the intervention of child protective services.

(Ord. 1022 § 1, 1995)

Chapter 9.32

DANGEROUS WEAPONS

Sections:

9.32.010 Unauthorized use of firearms – Prohibited.

9.32.020 Violation – Penalty.

9.32.010 Unauthorized use of firearms – Prohibited.

Any person who draws, displays or exhibits in a rude, angry or vicious manner, any deadly or dangerous weapon in the presence of two or more persons, or who draws any deadly or dangerous weapon upon the person of another within the limits of the city, or who wilfully discharges or shoots off any pistol, revolver or gun within the limits, shall be deemed guilty of a misdemeanor.

(Ord. 23 § 3, 1902)

9.32.020 Violation – Penalty.

Anyone convicted of violating any of the provisions of this chapter shall be fined in any sum not exceeding three hundred dollars or imprisoned for any period of time not to exceed ninety days, or both fined and imprisoned as provided in this chapter.

(Ord. 436 § 1, 1949; Ord. 23 § 4, 1902)

Chapter 9.36

DISCHARGE OF GUNS

Sections:

9.36.010 Gun defined.

9.36.020 Prohibited.

9.36.030 Violation – Penalty.

9.36.010 Gun defined.

"Gun," as used in this chapter, means any rifle, pistol, firearm, airgun, air pistol, B.B. gun; or any other rifle, pistol or weapon forcibly propelling a hard or metallic missile of any type of size.

(Ord. 448 § 1, 1949)

9.36.020 Prohibited.

The discharge of any gun within the city, and the discharge of any gun without the limits of the city in such manner that the missile from the gun falls within the limits of the city, is declared to be unlawful.

(Ord. 448 § 2, 1949)

9.36.030 Violation – Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not exceeding one hundred dollars or imprisoned not to exceed thirty days, or both fined and imprisoned as provided in this section.

(Ord. 448 § 3, 1949)

Chapter 9.40

CARRYING OF FIREARMS – EXEMPTION FROM STATE PROHIBITION

Sections:

9.40.010 Exemption from state prohibition – Details.

9.40.010 Exemption from state prohibition – Details.

A. The Washington State Legislature in its First Extraordinary Session enacted Chapter 7, Section 405 (4) which establishes new restrictions with respect to the carrying of firearms. The city council has reviewed the prohibitions of Chapter 7, Section 405 (4) First Extraordinary Session and chooses to exempt itself from the prohibition of the subsection.

B. Pursuant to the authority granted in Chapter 7, Section 405 (6) the city is and shall be exempt from the prohibitions set forth in Chapter 7, Section 405 (4) Laws of the State of Washington 1994 First Extraordinary Session which shall be codified as RCW 9.41.050(4).

(Ord. 1009, 1994)

Chapter 9.44

VIOLATION OF DOMESTIC VIOLENCE ORDERS

Sections:

9.44.010 Violation of domestic violence orders.

9.44.010 Violation of domestic violence orders.

A. Every person who shall violate a lawful order of any court issued pursuant to RCW Chapter 10.99 or RCW Chapter 26.50 pertaining to domestic violence shall be guilty of a misdemeanor.

B. Any person convicted of violating any provisions of this chapter shall be fined in an amount not to exceed one thousand dollars, or may be imprisoned for a term not to exceed ninety days, or both.

(Ord. 1092, 2000)

Chapter 9.48

VIOLATION OF NO-HARASSMENT ORDERS

Sections:

9.48.010 Violation of no-harassment orders.

9.48.010 Violation of no-harassment orders.

A. Every person who shall violate a lawful order of any court issued pursuant to RCW Section 9A.46.040 pertaining to no-harassment orders shall be guilty of a misdemeanor.

B. Any person convicted of violating any provisions of this chapter shall be fined in an amount not to exceed one thousand dollars, or may be imprisoned for a term not to exceed ninety days, or both.

(Ord. 1093, 2000)

Chapter 9.52

VIOLATION OF CIVIL ANTI-HARASSMENT PROTECTION ORDERS

Sections:

9.52.010 Violation of civil anti-harassment protection orders.

9.52.010 Violation of civil anti-harassment protection orders.

A. Every person who shall violate a lawful order of any court issued pursuant to RCW Section 10.14.080 pertaining to civil anti-harassment protection orders shall be guilty of a misdemeanor.

B. Any person convicted of violating any provisions of this chapter shall be fined in an amount not to exceed one thousand dollars, or may be imprisoned for a term not to exceed ninety days, or both.

(Ord. 1094, 2000)

Chapter 9.56

VIOLATION OF NO-CONTACT ORDERS

Sections:

9.56.010 Violation of no-contact orders.**9.56.010 Violation of no-contact orders.**

A. Every person who shall violate a lawful order of any court issued pursuant to RCW Section 10.99.040 pertaining to no-contact orders shall be guilty of a misdemeanor.

B. Any person convicted of violating any provisions of this chapter shall be fined in an amount not to exceed one thousand dollars, or may be imprisoned for a term not to exceed ninety days, or both.

(Ord. 1095, 2000)

Chapter 9.60

INTERFERENCE WITH REPORTING DOMESTIC VIOLENCE

Sections:

9.60.010 Interference with reporting domestic violence.**9.60.010 Interference with reporting domestic violence.**

A. Every person who interferes with the reporting of domestic violence by: (a) committing a crime of domestic violence, as defined in RCW Section 10.99.020; and (b) preventing or attempting to prevent the victim of, or a

witness to, that domestic violence crime from calling a 911 emergency communication system, obtaining medical assistance or making a report to any law enforcement official, shall be guilty of a misdemeanor.

B. Commission of the crime of domestic violence pursuant to subsection (A) of this section is a necessary element of the crime of interfering with the reporting of domestic violence.

C. Any person convicted of violating the provisions of this chapter shall be fined in an amount not to exceed one thousand dollars, or may be imprisoned for a term not to exceed ninety days, or both.

(Ord. 1096, 2000)

Chapter 9.64

POSSESSION OF MARIJUANA

Sections:

9.64.010 Possession of marijuana.

9.64.010 Possession of marijuana.

Chapter 69.50 RCW is hereby adopted by reference as currently enacted or as hereafter amended or recodified.

(Ord. 1649 § 2, 2023)

Chapter 9.68

POSSESSION OF DRUG PARAPHERNALIA

Sections:

9.68.010 Possession of drug paraphernalia.

9.68.010 Possession of drug paraphernalia.

Chapter 69.50 RCW is hereby adopted by reference as currently enacted or as hereafter amended or recodified.

(Ord. 1649 § 4, 2023)

Chapter 9.72

CARRYING PISTOL WITHOUT PERMIT

Sections:

9.72.010 Carrying pistol without permit.

9.72.010 Carrying pistol without permit.

- A. 1. Except in the person's place of abode or fixed place of business, a person shall not carry a pistol concealed on his or her person without a license to carry a concealed pistol.
2. Every licensee shall have his or her concealed pistol license in his or her immediate possession at all times that he or she is required by this section to have a concealed pistol license and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. Any violation of this subsection (A)(2) shall be a class 1 civil infraction under RCW Chapter 7.80 and shall be punished accordingly pursuant to RCW Chapter 7.90 and the infraction rules for courts of limited jurisdiction.
- B. A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed pistol and:
1. The pistol in on the licensee's person;
2. The licensee is within the vehicle at all times that the pistol is there; or
3. The licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle.
- C. A person at least eighteen years of age who is in possession of an unloaded pistol shall not leave the unloaded pistol in a vehicle unless the unloaded pistol is locked within the vehicle and concealed from view from outside the vehicle.
- D. Violation of any of the prohibitions of subsections (B) and (C) of this chapter is a misdemeanor.
- E. Any person convicted of violating provisions of subsections (B) and (C) of this chapter shall be fined in an amount not to exceed one thousand dollars, or may be imprisoned for a term not to exceed ninety days, or both.
- F. Nothing in this section permits the possession of firearms illegal to possess under state or federal law.

(Ord. 1099, 2000)

Chapter 9.80

RECKLESS ENDANGERMENT

Sections:

9.80.010 Reckless endangerment.

9.80.010 Reckless endangerment.

- A. A person is guilty of reckless endangerment when he or she recklessly engages in conduct not amounting to drive-by shooting but that creates a substantial risk of death or serious physical injury to another person.
- B. Any person convicted of reckless endangerment under the provisions of this chapter shall be guilty of a misdemeanor.
- C. Any person convicted of reckless endangerment under the provisions of this chapter shall be fined in an amount not to exceed one thousand dollars, or may be imprisoned for a term not to exceed ninety days, or both.

(Ord. 1100, 2000)

Chapter 9.84

MINORS IN POSSESSION OF LIQUOR

Sections:

9.84.010 Minors in possession of liquor.

9.84.010 Minors in possession of liquor.

- A. It is unlawful for any person under the age of twenty-one years to possess, consume, or otherwise acquire any liquor.
- B. Any person convicted of being a person under the age of twenty-one in possession of liquor under the provisions of this chapter shall be guilty of a misdemeanor.
- C. Any person convicted of being a person under the age of twenty-one in possession of liquor under the provisions of this chapter shall be fined in an amount not to exceed one thousand dollars, or may be imprisoned for a term not to exceed ninety days, or both.

(Ord. 1101, 2000)

The Cle Elum Municipal Code is current through Ordinance 1667, passed March 12, 2024.

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

City Website: cityofcleelum.com

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Title 10

VEHICLES AND TRAFFIC

Chapters:

- 10.04 Model Traffic Ordinance**
- 10.06 Police Markings**
- 10.08 Speed Limits**
- 10.12 Parking**
- 10.16 Loading and Unloading Zones**
- 10.20 Snowmobiles**
- 10.21 Motorized Vehicles on the Coal Mines Trail**
- 10.22 Motorized Vehicles on the Progress Path**
- 10.24 Vehicle Equipment**
- 10.28 Motorized Foot Scooters**
- 10.32 Bicycles and Other Recreational Wheels**
- 10.36 Wheeled All-Terrain Vehicles**
- 10.40 Complete Streets Policy**
- 10.44 Oversized and Overweight Vehicle Loads**

Chapter 10.04

MODEL TRAFFIC ORDINANCE

Sections:

- 10.04.010 Model Traffic Ordinance – Adopted.**
- 10.04.020 Fines, forfeitures and penalties – Paid to city general fund.**
- 10.04.030 Copies to be filed for use by public.**

10.04.010 Model Traffic Ordinance – Adopted.

The Model Traffic Ordinance as set forth in the Washington Administrative Code Chapter 308-330 is adopted by reference, as and for the traffic ordinance of the city as if set forth in full in this chapter.

(Ord. 1006 § 1, 1994)

10.04.020 Fines, forfeitures and penalties – Paid to city general fund.

All fines, forfeitures and penalties assessed and collected with respect to any violation of the provisions of this chapter shall be paid to the general fund of the city.

(Ord. 1006 § 2, 1994)

10.04.030 Copies to be filed for use by public.

Incident to the adoption of the Model Traffic Ordinance by reference, by this ordinance, copies of the text of the adopted Model Traffic Ordinance, Washington Administrative Code Chapter 308-330 shall be filed as required by RCW 35.21.180 for use and examination by the public.

(Ord. 1006 § 3, 1994)

Chapter 10.06

POLICE MARKINGS

Sections:

10.06.010 Police vehicles – Marking.**10.06.010 Police vehicles – Marking.**

The marking requirements for vehicles owned or controlled by the city as described in RCW 46.08.065 shall not apply to vehicles used by the Cle Elum police department for general undercover or confidential investigative purposes. Vehicles used for traffic control shall be exempted from the marking requirements at the discretion of the chief of the Cle Elum police department.

(Ord. 1659 § 1, 2023)

Chapter 10.08

SPEED LIMITS

Sections:

10.08.010 Designated.**10.08.020 Council may create special parking zones.****10.08.030 State highways.**

10.08.040 Penalty for violation.**10.08.010 Designated.**

It is unlawful for the operator of any vehicle to operate the same in the city in excess of twenty-five miles per hour, with the following exceptions:

- A. The maximum speed on First Street between Montgomery Avenue and the east city limits shall be thirty miles per hour;
- B. The lower speed limits established in the vicinity of schools by Ordinance 689, and for snowmobiles prescribed by Chapter 10.20, and slower speeds dictated by Ordinance 689 due to dangerous or emergency conditions, shall remain in effect.

(Ord. 952 § 1, 1991; Ord. 934 § 1, 1991; Ord. 702 § 1, 1975)

10.08.020 Council may create special parking zones.

Pursuant to RCW 46.61.570, the city council may by ordinance designate certain special parking zones for motor buses, taxicabs, police cars, fire department vehicles and automobiles, and other vehicles of a public or emergency nature. Authorized vehicles parked therein shall not be subject to provisions of any other general ordinance of the city prohibiting parking in the designated zones or areas, but the persons in charge of such authorized vehicles must be available nearby and must remove them promptly at the request of any city official or employee and for such time as public need or business shall require. Such special parking zones shall be clearly marked by appropriate signs and curb painting, and it is unlawful for anyone to park unauthorized vehicles therein.

(Ord. 702 § 2, 1975)

10.08.030 State highways.

It is acknowledged that at the present time all of Interstate Highway 90 lying inside Cle Elum, First Street from Pennsylvania Avenue to the east city limits, Pennsylvania Avenue between First Street and Second Street, and Second Street between Pennsylvania Avenue and the west city limits, are state arterial highways.

(Ord. 702 § 4, 1975)

10.08.040 Penalty for violation.

Anyone convicted of violating any of the provisions of this chapter shall be punished by a fine of not more than two hundred fifty dollars or imprisoned for not more than thirty days, or both so fined and imprisoned; and in addition, any penalty except additional fine or imprisonment may be exacted and revocation or suspension of license may be enforced if the laws of the state specifically confer jurisdiction upon the police court or police judge of this city to in addition exact such penalty or suspend or revoke such license.

(Ord. 702 § 5, 1975)

Chapter 10.12

PARKING

Sections:

- 10.12.010 Angle parking – Required.**
- 10.12.020 Angle parking – Compliance required.**
- 10.12.030 Parallel parking – Required.**
- 10.12.040 Alley parking prohibited.**
- 10.12.050 Parking restriction on First Street.**
- 10.12.060 Parking – Regulations.**
- 10.12.070 Winter parking – Exceptions.**
- 10.12.080 Penalties for violations.**
- 10.12.090 Towing and impounding of vehicles.**

10.12.010 Angle parking – Required.

A. Angle parking of vehicles having an overall length of less than eighteen feet is required on all avenues of the city, and on Second Street between Harris Avenue and Wright Avenue and on the north side of First Street between Oakes Avenue and Stafford Avenue. Any vehicles angle parked shall be parked at an angle of thirty-five degrees to the curb with the right front wheel of the vehicle at the curb.

B. Diagonal parking is permitted in the residential zoning districts of the city only from Montgomery Avenue to Stafford Avenue as these streets are the only streets that are wide enough to accommodate such diagonal parking. Parallel parking shall be permitted in the remainder of residential streets only.

(Ord. 1081 § 2, 1999; Ord. 823 § 1, 1984; Ord. 659 § 1, 1972; Ord. 458 § 1, 1950)

10.12.020 Angle parking – Compliance required.

Whenever any lines or other boundaries designating angle parking have been laid out by the city, any vehicle parked in said designated area or areas must be parked within the boundaries or lines so laid out and shall not be parked on or across any of the lines or boundaries.

(Ord. 823 § 2, 1984; Ord. 458 § 2, 1950)

10.12.030 Parallel parking – Required.

On all streets other than those designated for permissible angle parking in Section 10.12.010 every vehicle parked upon any street or road within the city shall be parked with the right-hand wheels of the vehicle parallel to and within twelve inches of the right-hand curb and headed in the direction of lawful traffic movement. It shall be unlawful to park two vehicles adjacent to each other (double parking) on any city street.

(Ord. 823 § 3, 1984)

10.12.040 Alley parking prohibited.

A. No person shall leave any vehicle unattended in any alley of the city except for bona fide delivery vehicles which may stop for loading and unloading only, which loading and unloading shall be accomplished as quickly as reasonably possible. Nondelivery vehicles and delivery vehicles not in the process of loading and unloading may be removed and impounded and placed in such storage as may be designated by the city police department.

B. All charges for removing, impounding and storing of such vehicle shall be paid by the registered owner, operator, or other person having control of said vehicle, before said person may retake possession thereof. All such charges shall be a lien against such vehicle.

C. Utility repair vehicles, the crews of which are engaged in utility repairs, shall be excepted from prohibitions of this section.

(Ord. 912, 1990; Ord. 823 § 4, 1984)

10.12.050 Parking restriction on First Street.

It shall be unlawful to park any vehicle with an overall length of twenty-six feet or more on First Street, between Stafford Avenue and Peoh Avenue. Temporary parking by utility repair vehicles for specific repair purposes shall not be considered to be a violation of this section. Exceptions to this section are included in CEMC Section 10.12.070.

(Ord. 1460 § 1, 2017; Ord. 828 § 1, 1984; Ord. 823 § 5, 1984)

10.12.060 Parking – Regulations.

- A. *No Parking at Any Time.* No person shall park or cause to be parked a vehicle upon any of the streets of the city, contrary to “no parking” signs placed or erected by the city.
- B. *No Parking During Certain Hours or Periods.* No person shall park or cause to be parked a vehicle upon any of the streets as posted during the hours or periods (such as during periods of inclement winter weather) prohibited by signs placed or erected by the city.
- C. *Parking Prohibited on Designated Streets.*

1. For the purposes of street sweeping and snow plowing, it is unlawful to park or leave standing any vehicle on any of the following designated streets:

Between the hours of two a.m. and six a.m. on First Street from Stafford Avenue to Montgomery Avenue, as well as all of the following avenues bounded by Second Street on the north and Railroad Street on the south:

- a. Billing Avenue;
 - b. Oakes Avenue;
 - c. Pennsylvania Avenue;
 - d. Harris Avenue;
 - e. Wright Avenue; and
 - f. Bullitt Avenue.
2. It is unlawful to park or leave standing any vehicle on any of the following designated streets:
 - a. No vehicles shall park at any time on Railroad Street between South Cle Elum Way and Peoh Avenue.
 - b. No recreational vehicles, including but not limited to boats, campers, snowmobile trailers, or other recreational or commercial vehicles or equipment, shall park or be stored on Denny Avenue or Marian Drive for more than the time necessary to pack or prepare such recreational vehicles for use, without express permission of the city.
 3. No commercial vehicles shall park at any time within the following portions of Stafford Avenue: that portion bounded by First Street on the south and Second Street on the north, on the east side or northbound direction adjacent to Flagpole Park; and that portion bounded by Second Street on the south and the alley between Second and Third Street on the north, on the west side or southbound direction adjacent to the Howard Carlin Memorial Trailhead Park; and that portion bounded by Second Street on the south and Third Street on the north, on the east side or northbound direction.

4. No overnight parking shall be permitted adjacent to Flagpole Park or the Howard Carlin Memorial Trailhead Park as described by subsection (C)(3) of this section.

D. *Seventy-Two Hour Parking.* No vehicle shall be parked in excess of seventy-two hours on any public street or avenue in the city from April 16th to October 31st, contrary to the regulations prescribed in this section (except as provided by CEMC Section 10.12.070, Winter parking – Exceptions).

E. *Inoperable Vehicles.* Vehicles shall be currently licensed and in operable condition. Other than for minor repairs completed within the time allowed for parking per subsection (D) of this section and CEMC Section 10.12.070(A), no major repairs that may result in discharge of fluids onto the roadway or interfere with normal traffic flow are permitted. Disassembly of motor train, engine, and axle components is considered a major repair and not permitted on public right-of-way. All other provisions of the city's parking code shall remain in full force and effect.

F. *Fifteen-Minute Parking.* It is unlawful for any person to park or cause to be parked a vehicle in a designated fifteen-minute parking space, stall or zone for more than fifteen minutes in any one hour period, or to be parked contrary to fifteen-minute parking signs placed or erected by the city.

G. It is unlawful to park or leave standing any vehicle within the travel lanes of any city street, beyond what is considered normal traffic travel patterns. Queuing within travel lanes during freeway closures shall be prohibited and all vehicles shall find an allowable parking place or detour through the city to another freeway entrance.

H. It is unlawful to park any vehicle within any cul-de-sac.

(Ord. 1460 § 2, 2017; Ord. 1417 § 1, 2014; Ord. 1385 § 1, 2013; Ord. 1081 § 1, 1999; Ord. 1008, 1994; Ord. 823 § 6, 1984; Ord. 657 § 1, 1971)

10.12.070 Winter parking – Exceptions.

A. No vehicle shall be parked on any public street or avenue continuously in one location for more than twenty-four hours in the city from November 1st to April 15th (hereinafter “winter months”), contrary to the regulations prescribed in CEMC Section 10.12.060. The parking regulation shall not apply to vehicles parked off the street or avenue, in private driveways or on private property, where they do not interfere with the plowing or removal of snow.

B. No vehicles may park on West First Street from Stafford Avenue to Douglas Munro Way at the westernmost Interstate 90 on-ramp during winter months.

C. During winter months, no vehicles shall park on the city streets of Marian Drive or Denny Avenue between the hours of four a.m. and twelve p.m., other than off-street parking in private garages or in private driveways.

D. During interstate or state route closures or restrictions, parking may be allowed for vehicles displaced by highway closures on First Street between Stafford Avenue and Peoh Avenue, as an exception to CEMC Section 10.12.050.

(Ord. 1460 § 3, 2017; Ord. 1062 § 1, 1997; Ord. 823 § 7, 1984; Ord. 657 § 2, 1971)

10.12.080 Penalties for violations.

Violation of the provisions of this chapter shall result in a citation, impoundment, or both. Citations for violations of this chapter shall be in the sum of fifty dollars per violation.

(Ord. 1460 § 4, 2017; Ord. 823 § 8, 1984; Ord. 657 § 4, 1971)

10.12.090 Towing and impounding of vehicles.

In addition to such penalties as provided in Section 10.12.080, the police department is empowered to remove and impound any vehicle in violation and such vehicle shall be towed from the street or avenue or alley, and impounded until the owner or person in charge of the vehicle pays to the tow-operator the towing charges plus all accumulated storage charges for the vehicle. All towing and storage of the vehicle shall be by licensed, commercial tow truck operators, and all such tow truck operators shall be licensed and bonded as required by the laws of the state.

(Ord. 823 § 9, 1984; Ord. 657 § 3, 1971)

Chapter 10.16 LOADING AND UNLOADING ZONES

Sections:

10.16.020 Elumwood Apartments.

10.16.020 Elumwood Apartments.

There is established in front of the main entrance of the Elumwood Apartments located on the south side of East Second Street between Harris and Wright Avenues, a restricted loading and unloading zone in which no parking will be allowed except for emergency or loading or unloading purposes specified in this chapter. The zone shall be sixteen feet in length and no parking shall be allowed therein, except that vehicles may stop at the curb of the zone for the limited purposes only of emergency uses such as for medical purposes or fire; or for loading and unloading purposes only with a maximum of fifteen minutes use for loading or unloading at any one time. The curb shall be painted yellow in the zone, by the Elumwood Apartments operator, and signs shall be erected by the Elumwood Apartments spelling out the restricted zone purposes and conditions.

(Ord. 699 § 1, 1975)

Chapter 10.20

SNOWMOBILES

Sections:

- 10.20.010 Adoption by reference.**
- 10.20.020 Muffler required.**
- 10.20.030 Snowmobiles on sidewalk prohibited.**
- 10.20.040 Streets designated as snowmobile trails.**
- 10.20.050 Rules and regulations.**
- 10.20.060 Right-of-way.**
- 10.20.070 Operator license required.**
- 10.20.080 Speed limit.**
- 10.20.090 Violation – Penalty.**

10.20.010 Adoption by reference.

A. The city hereby adopts RCW Chapter 46.10, "Snowmobiles," by reference.

B. The city hereby adopts RCW 46.04.546, "Snowmobile," by reference. As stated therein, "snowmobile" means a self-propelled vehicle that is capable of traveling over snow or ice that (1) utilizes as its means of propulsion an endless belt tread or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, (2) is steered wholly or in part by skis or sled type runners, and (3) is not otherwise registered as, or subject to, the motor vehicle excise tax in the state of Washington.

(Ord. 1502 § 1, 2018; Ord. 655 § 1, 1971)

10.20.020 Muffler required.

Each snowmobile must have a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke; and no person shall use a muffler cutout, bypass or similar device.

(Ord. 655 § 2(l), 1971)

10.20.030 Snowmobiles on sidewalk prohibited.

It is unlawful to drive, operate or park a snowmobile on any sidewalk in the city.

(Ord. 655 § 2(2), 1971)

10.20.040 Streets designated as snowmobile trails.

In order to facilitate access between the city and outlying unincorporated areas surrounding the city, Railroad Street is designated as a snowmobile trail. For uses other than ingress or egress to and from the city, the operation of snowmobiles is permitted on that portion of the Railroad Street right-of-way lying south of the Railroad Street median between Owens Road and South Cle Elum Way where these vehicles may be operated only in single file. The operation of snowmobiles upon this designated trail area is for the purpose of ingress and egress to the city and additional purposes, including recreational purposes, shopping, engaging in commerce, and other retail customer activities. Snowmobile parking shall be allowed in designated areas south of Railroad Street. Other than this designated street, operation of snowmobiles in the city shall be permitted only for the purpose of ingress and egress from the place of residence or the place of storage of snowmobiles inside or outside of the city.

Snowmobiles shall not operate on any streets unless the streets are covered with snow and/or ice.

(Ord. 1502 § 2, 2018; Ord. 1084, 1999; Ord. 655 § 2(3), 1971)

10.20.050 Rules and regulations.

Except as modified by this chapter, all motor vehicle rules and regulations adopted by the city shall, unless clearly inapplicable, apply to snowmobiles.

(Ord. 655 § 2(4), 1971)

10.20.060 Right-of-way.

In use of the streets and trails, motor vehicles and pedestrians shall have the right-of-way with respect to snowmobiles. On trails, snowmobiles shall stop and shut off their engines for any approaching wildlife, horses, or horseback riders.

(Ord. 1502 § 3, 2018; Ord. 655 § 2(5), 1971)

10.20.070 Operator license required.

No person under the age of sixteen years shall operate a snowmobile in Cle Elum. No person shall operate a snowmobile in Cle Elum without possessing a valid motor vehicle operator's license.

(Ord. 655 § 2(6), 1971)

10.20.080 Speed limit.

The maximum speed limit for snowmobiles in the city shall be twenty miles per hour or as posted, whichever is slower, except between the hours of ten p.m. and eight a.m. when the maximum speed limit shall be ten miles per hour.

(Ord. 1502 § 4, 2018; Ord. 655 § 2(7), 1971)

10.20.090 Violation – Penalty.

Any person convicted of violating any of the provisions of this chapter shall, for each violation, be fined in any sum not exceeding two hundred fifty dollars or imprisoned in the city or county jail for not more than ninety days, or both so fined and imprisoned.

(Ord. 655 § 3, 1971)

Chapter 10.21

MOTORIZED VEHICLES ON THE COAL MINES TRAIL

Sections:

10.21.010 Motorized vehicles on the Coal Mines Trail.**10.21.010 Motorized vehicles on the Coal Mines Trail.**

The only motorized vehicles permitted to utilize the Coal Mines Trail and other unpaved trails within city limits are maintenance and emergency vehicles, and snowmobiles when the trail is covered by snow and/or ice, subject to CEMC Chapter 10.20.

(Ord. 1504 § 1, 2018)

Chapter 10.22

MOTORIZED VEHICLES ON THE PROGRESS PATH

Sections:

10.22.010 Motorized vehicles on Progress Path.

10.22.010 Motorized vehicles on Progress Path.

The only motorized vehicles permitted to utilize the Progress Path and other paved or unpaved trails (except the Coal Mines Trail, CEMC Chapter 10.21) within city limits are maintenance and emergency vehicles.

(Ord. 1505 § 1, 2018)

Chapter 10.24 VEHICLE EQUIPMENT

Sections:

10.24.010 Safety belts – Required.

10.24.020 Compression brakes – Prohibited.

10.24.010 Safety belts – Required.

A. RCW 46.61.688 is adopted by reference as if set forth in full in this section.

B. *Penalty.* Any person who is convicted of violating or failing to comply with any of the provisions of this section shall be punished as set forth in Section 1.16.010.

(Ord. 862 §§ 1, 2, 1987)

10.24.020 Compression brakes – Prohibited.

A. The use of engine compression brakes within the city disturbs the repose of the substantial number of citizens.

B. The use of any engine compression brake within the city is prohibited.

(Ord. 867 §§ 1, 2, 1987)

Chapter 10.28 MOTORIZED FOOT SCOOTERS

Sections:

10.28.010 Definitions – Exemption.

- 10.28.020 Operation of motorized foot scooters.**
- 10.28.030 Helmets required – Nighttime operation prohibited.**
- 10.28.040 Noise restrictions – Mufflers.**
- 10.28.050 Violation – Penalty.**
- 10.28.060 General duty.**
- 10.28.070 Savings.**
- 10.28.080 Severability.**
- 10.28.090 Corrections.**

10.28.010 Definitions – Exemption.

“City property” includes all city rights-of-way, as defined in the city of Cle Elum zoning code.

“City street” means every public highway, as defined in Chapter 46.04, or part thereof, located within the city limits of the city of Cle Elum.

“Helmet” means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chinstrap type retention system, with a label required by the Federal Consumer Products Safety Commission as adopted by the Code of Federal Regulations 16 CFR 1203.

“Motorized foot scooter” means a device with no more than two ten-inch or smaller diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion.

“Rules of the road” means all rules applicable to vehicle or pedestrian traffic as set forth in state statute, rule or regulation.

“Wheeled recreational device” means any wheeled recreational object designed to propel the person using that object with an internal combustion or electric motor, whether it be stood or sat upon or ridden in, and that is not required to obtain and display a Washington State vehicle license (RCW 46.16). For purposes of this chapter, “wheeled recreational device” does not include motorcycles (RCW 46.04.330), motor driven cycles (RCW 46.04.332), mopeds (RCW 46.04.304), electric assisted bicycles (RCW 46.04.169) electric personal mobility devices (RCW 46.04.1695), or power wheelchairs (RCW 46.04.415).

The regulations of this chapter shall not apply to any vehicle used by a disabled person as defined by RCW 46.16.381.

(Ord. 1227 § 1, 2005)

10.28.020 Operation of motorized foot scooters.

A. It is unlawful for any person to operate a motorized foot scooter or other motorized wheeled recreational device:

1. On any city street unless such person is sixteen years of age or older with a valid driver's license;
2. With a passenger in addition to the operator;
3. On any city street with a maximum speed limit above twenty-five miles per hour, unless the device is operated within a designated bicycle lane;
4. On any city property that is not a city street;
5. In any park;
6. Upon the Coal Mines Trail, any bicycle path or trail that is not a designated bicycle lane, or upon any unpaved equestrian, hiking or recreational trail;
7. Upon Progress Path or any other paved trail or path that is not a designated bicycle lane;
8. Upon any sidewalk, except as may be necessary to enter or leave adjacent property; or
9. On any posted private or public property.

B. Any person operating a motorized foot scooter or other wheeled recreational device shall obey all the rules of the road, as well as the instructions of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

C. No motorized foot scooter or other wheeled recreational device shall be ridden or operated in a negligent or unsafe manner but shall be operated with reasonable regard for the safety of the operator and other persons. For purposes of this section:

1. To operate in a negligent manner means the operation of a motorized foot scooter or other wheeled recreational device in such a manner as to endanger or be likely to endanger any person or property.
2. Operation of a motorized foot scooter in excess of fifteen miles per hour shall be prima facie evidence of operation in a negligent manner.

(Ord. 1506 § 1, 2018; Ord. 1227 § 1, 2005)

10.28.030 Helmets required – Nighttime operation prohibited.

A. Any person operating a motorized foot scooter or other wheeled recreational device upon any city street shall wear a helmet and shall have the neck or chinstrap of the helmet fastened securely while the device is in motion.

B. Motorized foot scooters and other wheeled recreational devices may not be operated at any time from sunset to sunrise.

(Ord. 1227 § 1, 2005)

10.28.040 Noise restrictions – Mufflers.

A. No motorized foot scooter or other wheeled recreational device shall be operated in a manner that creates continuous sound associated with a gasoline-powered engine so as to unreasonably disturb or interfere with the peace and comfort of owners or occupants of real property.

B. It is unlawful to sell or operate a motorized foot scooter that is powered by an internal combustion engine that is not equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.

(Ord. 1227 § 1, 2005)

10.28.050 Violation – Penalty.

A. Any person violating the provisions of this chapter shall be deemed to have committed a traffic infraction and the penalty shall be seventy-one dollars.

B. In lieu of the penalty described above, any Cle Elum police officer may utilize the following penalty provision for a person under sixteen years of age found operating a motorized foot scooter or other wheeled recreational device on city property:

1. The officer may take custody of the device. If the officer does not impound the device, he or she may release it only to an adult.
2. The officer must provide the violator with a written notice setting forth the procedure for reclaiming the device.
3. The procedure for reclaiming the device shall be promulgated by the chief of police.
4. Only the parent or legal guardian of a violator or an adult owner can reclaim a motorized foot scooter or other wheeled recreational device impounded pursuant to this section.
5. A fifty-dollar fee for costs of impound and administrative processing shall be paid to the city clerk prior to the release of any property impounded under this alternative penalty.
6. Any unclaimed devices may be disposed of in accordance with state law.

C. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any provision of this chapter.

(Ord. 1227 § 1, 2005)

10.28.060 General duty.

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 who will or should be especially protected or benefited by the terms of this chapter. It is the specific intent of the ordinance codified in this chapter that no provision nor any 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 the ordinance codified 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 the ordinance codified in this chapter by its officers, employees or agents.

(Ord. 1227 § 1, 2005)

10.28.070 Savings.

The enactment of the ordinance codified in this chapter shall not affect any case, proceeding, appeal or other matter currently pending in any court or before the city or in any way modify any obligation, right or liability, civil or criminal, which may exist by virtue of any of the ordinances herein amended.

(Ord. 1227 § 1, 2005)

10.28.080 Severability.

If any section, subsection, sentence, clause, phrase or word of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this chapter.

(Ord. 1227 § 1, 2005)

10.28.090 Corrections.

The city clerk and the codifiers of the ordinance codified in this chapter are authorized to make necessary corrections to this chapter including the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

(Ord. 1227 § 1, 2005)

Chapter 10.32

BICYCLES AND OTHER RECREATIONAL WHEELS

Sections:

- 10.32.010 Recreational wheels – Defined.**
- 10.32.020 Business district – Bicycles and recreational wheels prohibited.**
- 10.32.030 Parental responsibility.**
- 10.32.040 Impounding bicycles and other recreational wheels.**
- 10.32.050 Penalties.**

10.32.010 Recreational wheels – Defined.

For the purpose of this chapter, the term "recreational wheels" means any nonmotorized, but wheeled, operator-propelled equipment which transports the operator on land, except wheelchairs. Recreational wheels shall include, but not be limited to, skates, in-line skates, skateboards, bicycles, tricycles, unicycles, quad cycles and scooters.

(Ord. 1252, 2006)

10.32.020 Business district – Bicycles and recreational wheels prohibited.

It shall be unlawful for any person to operate recreational wheels on sidewalks within the business district area starting at Billings Avenue through Montgomery Avenue on First Street. To include all avenues between Railroad Street and Second Street that fall within those business district boundaries. Also to include the south half of the 300 Block of Pennsylvania Avenue, the area between the fire department and the city library; provided however, this prohibition shall not apply to any law enforcement officer or public works employee operating a bicycle in his or her official capacity. This prohibition on the operation of recreational wheels shall include the sidewalks on either side of the streets and avenues identified above as constituting the boundaries of the downtown business area. This provision shall not apply to wheelchairs or other ADA compliant devices being utilized by a person with

temporary or permanent disabilities. The city shall post and maintain signs, at those locations affected by this chapter, notifying the public of the prohibitions contained herein.

(Ord. 1252, 2006)

10.32.030 Parental responsibility.

A parent who has custody of any child under the age of eighteen years and the guardian of any ward under the age of eighteen years shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this section.

(Ord. 1252, 2006)

10.32.040 Impounding bicycles and other recreational wheels.

The chief of police or his designee is authorized and empowered to administer the provisions of this chapter. The chief of police or his designee is authorized and empowered to impound for a period not to exceed twenty-four hours the bicycle or other recreational wheels used by any minor child under sixteen years of age in violating any of the provisions of this chapter or any of the ordinances of the city of Cle Elum relating to street traffic, insofar as they are applicable. Any impound by the chief of police or his designee shall be for the limited purpose of placing the minor child's bicycle or other recreational wheels in the possession of the child's parent or legal guardian. Upon impound, the chief of police or his designee shall contact the parent or legal guardian and advise him/her of the impound and the location where the bicycle or recreational wheels may be obtained.

(Ord. 1252, 2006)

10.32.050 Penalties.

Violation of any provision of this chapter shall be a civil infraction with a penalty of fifty dollars upon a finding that the violation has been committed.

(Ord. 1252, 2006)

Chapter 10.36 WHEELED ALL-TERRAIN VEHICLES

Sections:

10.36.010 Definitions.

- 10.36.020 Use of wheeled all-terrain vehicle on city streets.**
- 10.36.030 Restrictions on use of wheeled all-terrain vehicle on city streets.**
- 10.36.040 Requirements for wheeled all-terrain vehicle.**
- 10.36.050 Operation by persons under sixteen.**
- 10.36.060 Registration requirements of a wheeled all-terrain vehicle.**
- 10.36.070 Duty to obey traffic-control devices and rules of the road.**
- 10.36.080 Prohibited areas.**
- 10.36.090 Violation – Penalty.**

10.36.010 Definitions.

Terms shall have the following meanings when used in this chapter:

“City street” means every way, lane, road, street, boulevard, and every way or place in the city open as a matter of right to public vehicular traffic inside the corporate limits of the city.

“Sidewalk” means that property between the curb lines or the lateral lines of a city street and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a city street and dedicated to use by pedestrians.

“Wheeled all-terrain vehicle” means:

- A. Any motorized nonhighway vehicle with handlebars that is fifty inches or less in width, has a seat height of at least twenty inches, weighs less than one thousand five hundred pounds, and has four tires having a diameter of thirty inches or less, or
- B. A utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of twenty psi or less, has a maximum width less than seventy-four inches, has a maximum weight less than two thousand pounds, has a wheelbase of one hundred ten inches or less, and satisfies at least one of the following:
 - 1. Has a minimum width of fifty inches;
 - 2. Has a minimum weight of at least nine hundred pounds; or
 - 3. Has a wheelbase of over sixty-one inches.

(Ord. 1444 § 1, 2015)

10.36.020 Use of wheeled all-terrain vehicle on city streets.

Subject the restrictions and requirements set forth in this chapter, a person with a valid driver's license issued by the state of the person's residence may operate a wheeled all-terrain vehicle upon a city street having a speed limit of thirty-five miles per hour or less.

(Ord. 1444 § 1, 2015)

10.36.030 Restrictions on use of wheeled all-terrain vehicle on city streets.

- A. A person who operates a wheeled all-terrain vehicle must wear a securely fastened motorcycle helmet while the wheeled all-terrain vehicle is in motion, unless the WATV is equipped with seat belts and roll bars or an enclosed passenger compartment.
- B. A person may not operate a wheeled all-terrain vehicle upon a city street with a speed limit in excess of thirty-five miles per hour; however, a person may cross a city street with a speed limit in excess of thirty-five miles per hour at a controlled intersection if the crossing begins and ends on a city street with a speed limit of thirty-five miles per hour or less and occurs at an intersection of approximately ninety degrees.
- C. A person may operate a wheeled all-terrain vehicle upon any city street while being used under the authority or direction of an appropriate agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency, as defined in RCW 16.52.011, within the scope of the agency's official duties.
- D. A wheeled all-terrain vehicle shall not be operated in a negligent or unsafe manner.
- E. A person may not operate a wheeled all-terrain vehicle side-by-side with another wheeled all-terrain vehicle in a single lane of traffic.
- F. Wheeled all-terrain vehicles are subject to RCW 46.55.

(Ord. 1444 § 1, 2015)

10.36.040 Requirements for wheeled all-terrain vehicle.

A wheeled all-terrain vehicle operated on a city street must comply with the following equipment requirements:

- A. Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and used at all times when the vehicle is in motion;
- B. One tail lamp meeting the requirements of RCW 46.37.525 and used at all times when the vehicle is in motion upon a city street; however, a utility-type vehicle, as described under RCW 46.09.310, must have two tail lamps

meeting the requirements of RCW 46.37.070(1) and to be used at all times when the vehicle is in motion upon a city street;

- C. A stop lamp meeting the requirements of RCW 46.37.200;
- D. Reflectors meeting the requirements of RCW 46.37.060;
- E. During hours of darkness, as defined in RCW 46.04.200, turn signals meeting the requirements of RCW 46.37.200;
- F. Outside of hours of darkness, the operator must comply with RCW 46.37.200 or 46.61.310;
- G. A mirror attached to either the right or left handlebar, which must be located to give the operator a complete view of the city street for a distance of at least two hundred feet to the rear of the vehicle; however, a utility-type vehicle, as described under RCW 46.09.310(19), must have two mirrors meeting the requirements of RCW 46.37.400;
- H. A windshield meeting the requirements of RCW 46.37.430, unless the operator wears glasses, goggles, or a face shield while operating the vehicle, of a type conforming to rules adopted by the Washington State Patrol;
- I. A horn or warning device meeting the requirements of RCW 46.37.380;
- J. Brakes in working order;
- K. A spark arrester and muffling device meeting the requirements of RCW 46.09.470; and
- L. For utility-type vehicles, as described under RCW 46.09.310(19), seatbelts meeting the requirements of RCW 46.37.510.

(Ord. 1444 § 1, 2015)

10.36.050 Operation by persons under sixteen.

A person under the age of sixteen may not operate a WATV.

(Ord. 1444 § 1, 2015)

10.36.060 Registration requirements of a wheeled all-terrain vehicle.

A wheeled all-terrain vehicle operated on a city street must comply with all the registration requirements of RCW 46.09.

(Ord. 1444 § 1, 2015)

10.36.070 Duty to obey traffic-control devices and rules of the road.

Unless a law enforcement officer directs otherwise, a person operating a wheeled all-terrain vehicle must obey all rules of the road that apply to vehicle or pedestrian traffic under the laws of the state and the city and must obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles. A person operating a wheeled all-terrain vehicle upon a city street is subject to all of the duties that RCW 46.61 imposes on an operator of a vehicle, except as to those provisions thereof which by their nature can have no application.

(Ord. 1444 § 1, 2015)

10.36.080 Prohibited areas.

Wheeled all-terrain vehicles shall not be operated in the following areas:

- A. On a sidewalk;
- B. In a park, except on a park drive or in a designated parking lot; or
- C. Coal Mine Trail within the city limits.

(Ord. 1444 § 1, 2015)

10.36.090 Violation – Penalty.

A person who violates a provision of this chapter is guilty of a traffic infraction and will be punished by the imposition of a monetary penalty not to exceed one hundred twenty-four dollars, exclusive of statutory assessments; provided, that conduct that constitutes a criminal traffic offense may be charged as such and is subject to the maximum penalties allowed for such offenses.

(Ord. 1444 § 1, 2015)

Chapter 10.40 COMPLETE STREETS POLICY

Sections:

- 10.40.010 Purpose.**
- 10.40.020 Exceptions.**
- 10.40.030 Complete Streets Infrastructure.**
- 10.40.040 Goals to Foster Partnerships.**

10.40.050 Best Practice Criteria.**10.40.060 Performance Standards.****10.40.010 Purpose.**

The City of Cle Elum shall, to the maximum extent practical, scope, plan, design, construct, operate and maintain appropriate facilities for the safe accommodation of pedestrians, bicyclists, transit users, motorists, emergency responders, freight, and users of all ages and abilities in all new construction, retrofit, or reconstruction projects. Through ongoing operations and maintenance, the city of Cle Elum shall identify cost-effective opportunities to include complete streets practices.

(Ord. 1469 § 1, 2017; Ord. 1455 § 1, 2016)

10.40.020 Exceptions.

Facilities for pedestrians, bicyclists, transit users and/or people of all abilities are not required to be provided when:

- A. A documented absence of current or future need exists;
- B. Nonmotorized uses are prohibited by law;
- C. Routine maintenance of the transportation network is performed that does not change the roadway geometry or operations, such as mowing, sweeping and spot repair;
- D. The cost would be disproportionate to the current need or probable future uses;
- E. In instances where a documented exception is granted by the mayor.

(Ord. 1469 § 1, 2017; Ord. 1455 § 1, 2016)

10.40.030 Complete Streets Infrastructure.

As feasible, Cle Elum shall incorporate complete streets infrastructure into existing public and private streets to create a comprehensive, integrated, connected transportation network for Cle Elum that balances access, mobility, health and safety needs of pedestrians, bicyclists, transit users, motorists, emergency responders, freight, and users of all ages and abilities, ensuring a fully connected, integrated network that provides transportation options. "Complete streets infrastructure" means design features that contribute to a safe, convenient, or comfortable travel experience for users, including but not limited to features such as: sidewalks; shared use paths; bicycle lanes; automobile lanes; paved shoulders; street trees and landscaping; planting strips; curbs; accessible curb ramps; bulb outs; crosswalks; refuge islands; pedestrian and traffic signals, including countdown and accessible

signals; signage; street furniture; bicycle parking facilities; public transportation stops and facilities; transit priority signalization; traffic calming devices such as rotary circles, traffic bumps, and surface treatments such as paving blocks, textured asphalt, and concrete; narrow vehicle lanes; raised medians; and dedicated transit lanes.

(Ord. 1469 § 1, 2017; Ord. 1455 § 1, 2016)

10.40.040 Goals to Foster Partnerships.

It is a goal of the city of Cle Elum to foster partnerships with all Washington State transportation funding agencies including the Washington State Department of Transportation (WSDOT), the Federal Highway Administration, Kittitas County, Cle Elum-Roslyn School District, citizens, businesses, interest groups, neighborhoods, and any funding agency to implement the complete streets ordinance.

(Ord. 1469 § 1, 2017; Ord. 1455 § 1, 2016)

10.40.050 Best Practice Criteria.

The mayor or designee shall modify, develop and adopt policies, design criteria, standards and guidelines based upon recognized best practices in street design, construction, and operations including but not limited to the latest editions of American Association of State Highway Transportation Officials (AASHTO), Institute of Transportation Engineers (ITE) and National Association of City Transportation Officials (NACTO) while reflecting the context and character of the surrounding built and natural environments and enhance the appearance of such.

(Ord. 1469 § 1, 2017; Ord. 1455 § 1, 2016)

10.40.060 Performance Standards.

The city of Cle Elum shall put into place performance standards with measurable benchmarks to continuously evaluate the complete streets ordinance for success and opportunities for improvement. Performance standards may include transportation and mode shift, miles of bicycle facilities or sidewalks, public participation, number of ADA accommodations built, and number of exemptions from this policy approved.

(Ord. 1469 § 1, 2017; Ord. 1455 § 1, 2016)

Chapter 10.44 OVERSIZED AND OVERWEIGHT VEHICLE LOADS

Sections:

10.44.010 Permit required.**10.44.020 Hours.****10.44.010 Permit required.**

An oversized/overweight vehicle permit, and fee as set forth by resolution of the city council, is required to operate or move a vehicle or combination of vehicles of a size, weight of vehicle, or load exceeding the maximum set forth in RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, and 46.44.041 or hereafter amended upon any city right-of-way.

(Ord. 1520 § 1, 2019)

10.44.020 Hours.

Oversized/overweight vehicles are prohibited from moving on city rights-of-way during the following hours: (A) peak commute time defined as Monday through Friday seven a.m. through nine a.m. and four p.m. through six p.m.; (B) weekends during peak season, defined as Friday through Monday, from May 15th through September 10th; (C) standalone holidays or Friday through Mondays coinciding with national holidays (New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving, and Christmas).

The city public works director shall have the authority to authorize exemptions to the restrictions above.

(Ord. 1520 § 1, 2019)

The Cle Elum Municipal Code is current through Ordinance 1667, passed March 12, 2024.

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

City Website: cityofcleelum.com

City Telephone: (509) 674-2262

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Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

- 12.01 Right-of-Way Use Permits**
- 12.02 Telecommunications – Cable, Right-of-Way Permits**
- 12.04 Sidewalk Construction, Repair and Maintenance**
- 12.06 Preservation of City Streets**
- 12.08 Obstructions or Defects in Sidewalks, Parking Strips and Curbs**
- 12.12 Obstruction of Street Crossings**
- 12.14 Snow and Ice**
- 12.16 Removal of Trees and Vegetation**
- 12.20 Gates Opening across Sidewalks**
- 12.24 Utility Poles**
- 12.28 Street Trees**

Chapter 12.01

RIGHT-OF-WAY USE PERMITS

Sections:

- 12.01.010 Purpose.**
- 12.01.020 Definitions.**
- 12.01.030 Prohibited acts – Notice and permit required.**
- 12.01.040 Application requirements.**
- 12.01.050 Length of permit validity.**
- 12.01.060 Permit conditions.**
- 12.01.070 Notification.**
- 12.01.080 Standards for restoration of surfaces.**
- 12.01.090 Clean-up.**
- 12.01.100 Nonperformance by applicant—City to perform work—Costs.**
- 12.01.110 Inspection.**
- 12.01.120 Violations—Penalties.**
- 12.01.130 Permit revocation.**
- 12.01.140 Permit exceptions.**
- 12.01.150 Indemnification.**

12.01.010 Purpose.

It is the purpose of this chapter to provide for the issuance of right-of-way use permits in order to regulate activities within city of Cle Elum owned right-of-way in the interest of public health, safety, and welfare and to provide for the fees, charges, warranties, and procedures required to administer the permit process. It is in the city and citizens' interest to conduct work in the right-of-way that is safe and harmonious with other right-of-way uses.

(Ord. 1639 § 1 (Exh. A), 2022)

12.01.020 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter and any accompanying procedures:

"Applicant" or "permittee" means the person, firm or organization making application for a permit, holding a permit, or doing work under a permit issued under this chapter.

"City" means the city of Cle Elum.

"City engineer" means the city engineer of the city of Cle Elum or his/her designee.

"Permit" means a document granted under the provisions of this chapter authorizing specified work in city rights-of-way.

"Restoration" means the act of repairing, replacing or cleaning the right-of-way to its former condition with like or better quality and to the satisfaction of the city.

"Right-of-way" means all property in which the city has any form of ownership, title, easement or interest and which is held for public road or travel purposes, regardless of whether any road or sidewalk exists thereon or whether it is used, improved or maintained for public travel.

"Structure" means any building, booth, scaffold, fence, stand, platform, sign, pole, ladder, posts, pipe, wire, cable or any other thing placed or maintained on, over, under or within any right-of-way.

"Work" means any activity disturbing, disrupting, impairing, hampering, impeding or preventing public travel on or access to any right-of-way, or affecting any improvement on any right-of-way.

(Ord. 1639 § 1 (Exh. A), 2022)

12.01.030 Prohibited acts – Notice and permit required.

A. Except upon application to and issuance by the city of a permit, it shall be unlawful to do any work in any right-of-way. Work for which a permit is required shall include, but not be limited to, the following:

1. Placing or maintaining any structure within a right-of-way.
2. Spilling, dumping, discharging or depositing any material within a right-of-way.
3. Excavating, filling, or grading any land, or constructing any structure when said activity does or is likely to result in any deposit of dirt, mud, rock, debris or other material within a right-of-way.
4. Cutting, pruning, or disturbing any brush, trees or landscaping within a right-of-way.
5. Cutting, digging, marring or otherwise disturbing the road, road bed, road surface, sidewalk, sidewalk bed, sidewalk surface or any other portion of a right-of-way.
6. Painting or marking, including utility locate markings, within the right-of-way.

B. A separate permit shall be required for each separate work occurring on or in a right-of-way, as determined by the city engineer.

C. A separate permit shall be required for each separate person, firm or corporation working in any right-of-way, as determined by the city engineer.

(Ord. 1639 § 1 (Exh. A), 2022)

12.01.040 Application requirements.

A. When applying for a right-of-way permit, the applicant shall provide the following:

1. A detailed sketch showing proposed work in relation to the public right-of-way, other existing utilities and street improvements;
2. A certificate of liability insurance naming city as an additional insured with minimum limits of liability stated in the most recent edition of Standard Specifications for Municipal Public Works Construction, published by the Washington chapter of the American Public Works Association (APWA) or as otherwise required by the city; provided, however, that a self-insured public utility may submit a letter of responsibility in lieu of a certificate of liability insurance. Such letter of responsibility shall be approved as to form by the city attorney prior to acceptance by the city;
3. A statement regarding coordination with other utilities as to location of work so as not to interfere with those utilities.

- B. No opening shall be made until all necessary fittings and materials are available and on hand to complete all work.
- C. Franchised utilities shall utilize the standard locations for their facilities where practicable.
- D. An administrative fee set forth by resolution of the city council shall be charged for the review and issuance of each permit.

(Ord. 1639 § 1 (Exh. A), 2022)

12.01.050 Length of permit validity.

Such permit shall be valid for a time period not to exceed one hundred twenty days from date of issuance; provided, however, that an applicant may request one extension of time not to exceed sixty days in duration. Such request shall be written and received by the city at least seven days prior to the expiration date of the original permit.

(Ord. 1639 § 1 (Exh. A), 2022)

12.01.060 Permit conditions.

- A. The city engineer will endeavor to review the permit application within ten days of its acceptance. If the city engineer concludes that the work can comply with the provisions of this chapter, the city engineer may grant the permit and shall include such terms and conditions as are required by the code and/or as necessary to protect the public health, safety and welfare.
- B. The following conditions shall apply to every permit, and shall be in addition to any conditions particular to a specific permit:
 - 1. All permits shall be permissive and shall be subject to the public right of travel on and access to the right-of-way.
 - 2. The applicant shall have secured all other necessary or required permits, licenses or legal approvals.
 - 3. The applicant is responsible for complying with all applicable local, state and federal health and safety codes, standards, regulations and/or accepted industry standards. It is the responsibility of the applicant to insure that their work force and the public are guarded against any hazards arising from activities of the applicant or its agents.
 - 4. The applicant shall furnish, place and maintain all required traffic-control devices (both vehicular and pedestrian). Signing and traffic control provided by applicant shall comply with the current edition of the Manual on Uniform Traffic Control Devices, published by the Federal Highway Administration (FHWA) and as approved by the Washington Department of Transportation.

5. Any traffic restriction shall be approved by city officials.
6. All work performed shall conform to the design standards and specifications of the city, and all standard manuals used by the city in the administration of its duties.
7. Restoration shall be required and completed within the designated duration of the permit.
8. Right-of-way surfaces shall be cleaned prior to the end of each day's operation, and all catch basins, culverts or other city-owned improvements affected by any deposit of dirt, mud, rock, debris or other material shall be cleaned as specified by the city engineer.
9. No permit shall be assigned without the written agreement of the city.

(Ord. 1639 § 1 (Exh. A), 2022)

12.01.070 Notification.

The applicant shall notify the public works director or its designee at least forty-eight hours prior to starting work.

(Ord. 1639 § 1 (Exh. A), 2022)

12.01.080 Standards for restoration of surfaces.

- A. The applicant shall, with reasonable promptness and no later than twenty days after the work is finished, restore the surface of such streets, avenues, lanes, highways and public places.
- B. The applicant shall satisfactorily restore all areas disturbed by construction activities to an equal or better condition than existed prior to construction. The following shall be considered the minimum acceptable depths of surfacing materials to be replaced dependent upon existing surfacing type:
 1. Asphalt concrete pavement and/or bituminous surface treatment surfacing:
 - a. Three inches compacted depth asphalt concrete pavement, Class G, placed in two lifts;
 - b. Three inches compacted depth crushed surfacing top course (5/8"-0);
 - c. Eight inches compacted depth ballast (2½"-0).
 2. Cement concrete sidewalk:
 - a. Four inches thickness in pedestrian areas, three thousand psi twenty-eight-day minimum compressive strength cement concrete;

- b. Six inches thickness in vehicle areas, three thousand psi twenty-eight-day minimum compressive strength cement concrete;
- c. Two inches compacted depth crushed surfacing top course (5/8"-0) under all cement concrete areas;
- d. Refer to city sidewalk specifications.

3. Gravel street:

- a. Three inches compacted depth crushed surfacing top course (5/8"-0);
- b. Nine inches compacted depth ballast (2½"-0);
- c. Replace all ballast if mud or clay.

4. Gravel street shoulder:

- a. Four inches compacted depth crushed surfacing top course (5/8"-0).

C. Cement concrete curb and gutter shall be replaced where disturbed with new cement concrete curb and gutter as shown on the city's Standard Driveway Detail and the referenced APWA Specifications and Standard Plans.

D. Temporary crushed-rock trench restoration will be permitted for a maximum of two weeks following installation of facilities.

E. If adverse weather conditions exist, temporary asphalt concrete cold-mix patch will be permitted until weather conditions permit the required permanent restoration specified above.

F. All restoration materials and workmanship shall be in accordance with the most recent edition of the referenced APWA Specifications.

G. All trench backfill and restoration materials must be compacted to ninety-five percent of maximum density at a maximum of six-inch lifts.

H. All restoration work must be approved by the city.

I. A deposit or bond in an amount to be determined by the city engineer may be required prior to commencing work in order to guarantee materials and workmanship; provided, however, that self-insured public utilities shall be excluded from this requirement provided they have complied with CEMC 12.01.040.

J. All restoration materials and workmanship must be guaranteed for a one-year period following formal acceptance of same by the city. Any remedial work required during this guarantee period must be provided and performed by the applicant, at the applicant's sole expense, upon demand by the city.

(Ord. 1639 § 1 (Exh. A), 2022)

12.01.090 Clean-up.

The applicant is to restore all areas worked to equal or better condition than found within twenty days of completing the installation, weather permitting. Any extension of time shall be approved in writing by the city.

(Ord. 1639 § 1 (Exh. A), 2022)

12.01.100 Nonperformance by applicant—City to perform work—Costs.

The city may, upon twenty days' written notice to the applicant, at any time do, or order to have done, any and all work that it considers necessary to restore any area left in an unsatisfactory condition or in a condition, in the opinion of the city, dangerous to life or property; and the applicant, upon demand, shall pay to the city all costs, including any consultant or legal fees, of such work plus ten percent.

(Ord. 1639 § 1 (Exh. A), 2022)

12.01.110 Inspection.

The applicant shall pay, upon completion of the project and inspection by the appropriate city official, an inspection fee covering the actual cost of said inspection. A statement of costs shall be rendered to the applicant at the completion of the project.

(Ord. 1639 § 1 (Exh. A), 2022)

12.01.120 Violations—Penalties.

- A. The violation of or failure to comply with any provision of this chapter is declared to be unlawful and a nuisance.
- B. Any violation of any provision of this chapter is a civil violation, for which a monetary penalty may be assessed and abatement may be required as provided in this code.
- C. In addition to or as an alternative to any other penalty provided by this chapter or by law, any person who violates any provision of this chapter shall be guilty of a misdemeanor.

(Ord. 1639 § 1 (Exh. A), 2022)

12.01.130 Permit revocation.

A. Notwithstanding any other section of this chapter, the city engineer may immediately revoke or suspend any permit by giving the applicant written notice thereof if any of the following has occurred:

1. The work or activity does not proceed in accordance with the plans as approved, or conditions of approval, or is not in compliance with the requirements of this code or procedures, or other city ordinances or state law.
2. The permittee has made a misrepresentation of a material fact in applying for a permit.
3. The city has been denied access to investigate and inspect the right-of-way.
4. The work creates an unsafe condition with respect to the public, public property, any abutting property, or any other property, person or thing lawfully in or adjacent to the right-of-way.
5. The applicant has failed to comply with any term of this chapter or any other applicable law, statute, code provision or regulation.
6. The applicant has failed to pay any fee, penalty or deposit levied pursuant to this chapter.
7. In the event of any violation of the terms and conditions of the permit, including but not limited to the failure to maintain insurance as required.
8. The applicant has permitted or maintained any nuisance on the right-of-way.
9. In the event the city needs the right-of-way. The city's use of the right-of-way shall take precedence over any other use.

B. Upon suspension or revocation of a permit, all use of the right-of-way shall cease, except as authorized or directed by the city.

C. The permittee shall be responsible for all costs necessary to remove the structure from the right-of-way and for the restoration of the right-of-way.

D. If any use or occupancy for which the permit has been revoked is not immediately discontinued, the director of public works may remove any such structure or obstruction or cause to be made such repairs upon the structure or obstruction as may be necessary to render the same secure and safe, the cost and expense of which shall be assessed against the permittee, including all fees, costs, and expenses incurred, including attorneys' fees associated with the enforcement of or collection of the same. The city may enforce this chapter in any manner provided by law, including the abatement of public nuisances.

(Ord. 1639 § 1 (Exh. A), 2022)

12.01.140 Permit exceptions.

A. A right-of-way use permit may not be required of utilities or franchised utilities when responding to emergencies that require work in the right-of-way, such as water or sewer main breaks, gas leaks, downed power lines or similar emergencies; provided, that the department shall be notified by the responding utility or city contractor verbally or in writing as soon as practicable following onset of an emergency. Nothing herein shall relieve a responding utility or city contractor from the requirement to apply for a right-of-way use permit within forty-eight hours after beginning emergency work in the right-of-way and comply with the requirements of the chapter.

B. The city shall determine whether a permit shall be required for routine maintenance and construction work performed by city utilities and city maintenance crews.

(Ord. 1639 § 1 (Exh. A), 2022)

12.01.150 Indemnification.

The applicant shall fully indemnify and hold the city harmless from any and all liability which might arise as a result of the actions of the applicant, its agents, servants or employees. The city shall notify the applicant promptly of any action filed against the city.

(Ord. 1639 § 1 (Exh. A), 2022)

Chapter 12.02

TELECOMMUNICATIONS – CABLE, RIGHT-OF-WAY PERMITS

Sections:

- 12.02.010 Definitions.**
- 12.02.020 Objectives.**
- 12.02.030 Permission required – General permit, use permit.**
- 12.02.040 Master permit application – Contents.**
- 12.02.050 Permit procedures.**
- 12.02.060 Use permit – Expedited consideration.**
- 12.02.070 Use permit – Advance notice, restrictions on denials.**
- 12.02.080 Conditions of occupancy or use of the right-of-way.**
- 12.02.090 Exemption, preemption.**
- 12.02.100 State law provisions.**
- 12.02.110 Restriction on moratoria.**
- 12.02.120 Relocation.**

- 12.02.130 Facilities for city use.**
- 12.02.140 Fees and charges.**
- 12.02.150 Authority of administering officer.**
- 12.02.160 Appeals.**
- 12.02.170 Users, occupants other than service providers.**

12.02.010 Definitions.

The definitions in this section apply throughout this chapter unless otherwise stated or the context clearly requires otherwise.

“City” means the city of Cle Elum and its legal successors.

“Administering officer” means the mayor or mayor’s designee. (Cross reference Section 12.02.170.)

“Cable television service” means the one-way transmission to subscribers of video programming and other programming service and subscriber interaction, if any, that is required for the selection or use of the video programming or other programming service.

“Facilities” of a service provider means all of the plant, equipment, fixtures, appurtenances, antennas, and other facilities necessary to furnish and deliver telecommunications services and cable television services, including but not limited to poles with crossarms, poles without crossarms, wires, lines, conduits, cables, communication and signal lines and equipment, braces, anchors, vaults, and all attachments, appurtenances, and appliances necessary or incidental to the distribution and use of telecommunications services and cable television services.

“Municipal infrastructure” means any municipal physical plant or facilities located in or near the right-of-way or areas reserved for public travel, municipal utilities, or other municipal needs, including, without limitation: public paving, streets, sidewalks and curbing, roadwork and road bed, and any other public construction in the vicinity, whether originally put in by the city or accepted for municipal management after initial construction by another; municipal street lighting facilities, municipal communications facilities, municipal water and sewer facilities, and skywalks; and street trees, plants, shrubs, lawn, and ornamental or beautification installations, where owned by the city.

“Permit” refers to a grant of municipal permission or authority to an applicant for use of the right-of-way to locate facilities and perform related activities therein. This chapter identifies two levels of permits: a master permit and a use permit.

1. A “master permit” confers general permission to enter, use, and occupy the right-of-way to locate facilities. A master permit may be granted in the form of a negotiated franchise and may include additional terms and conditions. A master permit does not include a cable franchise, which is issued pursuant to applicable local, state and federal law.

2. A “use permit” conveys more limited permission to enter and use a specified area or location in the right-of-way for a specific purpose such as installing, maintaining, repairing, or removing identified facilities.

“Personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

“Right-of-way” means land acquired by or dedicated to the city for public roads and streets, and such areas as may be otherwise permitted by the city or subject to municipal jurisdiction or control in the traditional sense of the public right-of-way or related utility easement areas, but does not include

1. State highways;
2. Structures, including poles and conduits, located within the right-of-way;
3. Federally granted trust lands or forest board trust lands;
4. Federally granted railroad rights of way acquired under 43 U.S.C. Sec. 912 and related provisions of federal law that are not open for motor vehicle use;
5. Municipal assets, property, premises, or buildings the city holds in a proprietary capacity. Use of or access to such assets must be addressed by separate arrangement.

“Service provider” means every corporation, company, association, joint stock association, firm, partnership, person, city, or town owning, operating, or managing any facilities used to provide and providing telecommunications service or cable television service for hire, sale, or resale to the general public. Service provider includes the legal successor to any such corporation, company, association, joint stock association, firm, partnership, person, city, or town.

“Telecommunications service” means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purpose of this subsection, “information” means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this chapter, telecommunications service excludes the over-the-air transmission of broadcast television or broadcast radio signals.

(Ord. 1133 § 1, 2001)

12.02.020 Objectives.

A. The objectives of this chapter are:

1. To protect the general public health and safety;
2. To preserve and maintain the primary purpose of the right-of-way as a means of public travel and emergency vehicle access;

3. To respond to requirements established by federal or state laws, particularly as relating to service providers and reflected in chapter 83, Laws of 2000 State legislature;
4. To preserve the value of the public investment in the right-of-way and useful life of street, curbing, and sidewalk paving, and maintain the integrity and quality of the paving;
5. To preserve the value of the right-of-way to support municipal infrastructure needs as a priority use, and the value of municipal infrastructure investment; and
6. To promote the public convenience and aesthetics.

B. The first two objectives are of primary importance. The objectives govern questions of interpretation and enforcement. Notwithstanding any other provision, nothing done relating to this chapter is intended to create or expand any specific municipal duty or liability to any particular person or group or otherwise create or expand municipal tort liability for any purpose. This section shall control all others in the event of conflict or ambiguity.

(Ord. 1133 § 1, 2001)

12.02.030 Permission required – General permit, use permit.

A. A service provider must obtain a master permit to enter, use and occupy the right-of-way to locate facilities therein. If this requirement is preempted by state law because of a preexisting state-wide grant, it applies as a request, but no municipal action or inaction may be regarded as waiver of any provisions of this chapter.

B. Parties installing secondary facilities in or on existing facilities must accept all city conditions on the existing as well as secondary facilities. Providers of cable television services for hire need not obtain a master permit to provide such service where a cable franchise has been granted under federal or other law.

C. The approving authority for a master permit is the city council by ordinance, except master permits five years or less in duration or for limited areas may be granted by council resolution on recommendation of the administering officer. In addition, the administering officer may grant a temporary master permit, up to ninety days, renewable once for up to an additional ninety days. The administering officer may grant revocable permission for incidental or temporary uses of the right-of-way not involving permanent installations or for other minor purposes, but the provisions in Section 12.02.080, apply, except insurance requirements may be adjusted on recommendation of the city's risk management advisor.

D. In addition to a master permit, a service provider must obtain permission to enter and use a specified right-of-way area to install, maintain, repair or remove identified facilities by means of a use permit. Utilities or agencies of the city are exempt from master permit or use permit requirements, but the administering officer may specify conditions of right-of-way use or occupancy, including the condition that city departments coordinate work in the right-of-way by giving appropriate notice to the municipal office issuing use permits.

(Ord. 1133 § 1, 2001)

12.02.040 Master permit application – Contents.

A. To obtain a master permit, a written application is filed with the administering officer, in such form as may be required by such official. General information requested may include, but is not limited to:

1. Applicant's true name, address, telephone, fax, and email, together with an identification of the true ownership of the applicant, including the names and addresses of all persons with ten percent or more ownership interest therein. For a corporation or other business organization, the state of incorporation or organization, the name and address of the corporation or organization's registered agent, and a certificate of incorporation or other proof of legal status should be included;
2. A statement of whether the applicant, or any entity controlling the applicant, has voluntarily filed for relief under any provision of the bankruptcy laws of the United States Title 11 of the United States Code, had an involuntary petition against it pursuant to the Bankruptcy Code, or been the subject of any state law insolvency proceeding such as a transfer for the benefit of creditors;
3. A statement of whether the applicant or any entity controlling the applicant has had a master permit, franchise, or similar right-of-way use or occupancy permission ever suspended or revoked in any other jurisdiction;
4. A statement of whether the applicant or any entity controlling the applicant has been found guilty, by any federal, state or municipal court or administrative agency in the United States of:
 - a. A violation of a security, antitrust or tax laws, or
 - b. A felony or any other crime involving fraud or theft. If so, the application shall identify any such person and fully explain the circumstances;
5. A demonstration of the applicant's technical, legal and financial ability to construct and operate the proposed telecommunications services facility;
6. A description of the physical facility proposed, including capacity, the area to be served, a description of technical characteristics, and a map of the proposed system service area and distribution scheme;
7. A description of how any construction will be implemented, identification of areas having aboveground or belowground facilities, the proposed construction schedule, and a description (if applicable) of how service will be converted from any existing facility to a new facility. The construction plan shall be coordinated with the city water, sewer, street, and other improvement plans and municipal infrastructure needs;
8. A description of the services to be provided over the system;
9. The proposed rates to be charged, including rates for each service offered to the public, as appropriate, and charges for installation, equipment, and other services, and whether such rates are subject to regulatory tariff or other rate regulation requirements from any other jurisdictional agency;

10. A demonstration and assurance that the proposal is designed to be consistent with all federal and state requirements;
11. In the case of an application by an existing service provider for a renewal, a demonstration and assurance that such service provider has complied with all terms of the existing master permit or franchise and with applicable law;
12. Other information that the administering officer may reasonably request of the applicant;
13. The signature, under penalty of perjury, by the applicant or duly authorized agent thereof, certifying, in a form acceptable to the city, the truth and accuracy of the information contained in the application and acknowledging the enforceability of this chapter; and
14. The required fee as set forth by resolution of the city council.

B. Requests for confidentiality will be narrowly construed within the confines of state law.

(Ord. 1521 § 1, 2019; Ord. 1133 § 1, 2001)

12.02.050 Permit procedures.

A. Master Permits.

1. Upon receipt of an application and application fee, the administering officer shall notify the applicant of any additional administrative costs, fees or expenses reasonably expected to be incurred as a result of processing the application, including costs of publication as may be required by state or local law. An applicant must deposit such estimated costs within ten days of notification as a condition of further consideration of an application. Any unexpended monies after the application process shall be refunded within thirty days of completion of the application process. Additional costs billed by the administering officer shall be paid within thirty days of billing. If an applicant fails to file a completed application, furnish other requested information, or pay required amounts, the administering officer shall cancel the application process, and no refund of the application fee will be made.
2. Within ninety days of the filing of a complete application, the administering officer shall negotiate a master permit with the applicant or make the determination that it should be denied. If the parties cannot agree on the terms of the master permit or the administering officer determines it should otherwise be denied, such official shall create a written record, supported by substantial evidence, to explain the reasons why the master permit is recommended for denial. If the administering officer approves the application, the master permit shall be forwarded for final approval by the city council. The city council shall take final action on the recommendation of the administering officer within one hundred twenty days of the date the applicant filed a complete application.
3. The administering officer may require the service provider to attend and participate in any hearing or other fact finding process to determine whether to grant the permit, provided, that extensions of time for the

hearing and final action by the city beyond one hundred twenty days of the date the applicant filed a complete application may require the applicant's consent unless legislative approval of the city council cannot reasonably be obtained within such period. In such event, the administering officer shall notify the applicant of the time needed to obtain final action.

4. In the event time otherwise expires, the administering officer may also act by granting a temporary master permit, upon conditions as may be specified by such official, pending further proceedings.

5. A service provider adversely affected by a final action denying a master permit, or by an unreasonable failure to act on a master permit application in accordance with this section, may commence an action within thirty days to seek relief in a court of competent jurisdiction, which shall be limited to injunctive relief. Venue of such a proceeding shall be in Kittitas County. Upon timely appeal, the administering officer shall certify the record and delivers the same to the court where filed. Such official may require a deposit of funds by the appealing party in an amount estimated necessary to prepare the record as a condition of certifying the record.

B. *Use Permits.*

1. The city must act upon a request for a use permit made within the scope of this chapter within thirty days of receipt of a completed application and the applicable fee as set forth by resolution of the city council, by the official designated to issue such permits, unless a service provider consents to a different time period or the service provider has not obtained a master permit or franchise from the city. A use permit may not be denied to a service provider with an existing state-wide grant to occupy the right-of-way for wireline facilities on the basis of failure to obtain a master permit.

2. When applying for a use permit, the applicant shall provide, in its application, the following:

- a. A demonstration of the applicant's technical, legal and financial ability to construct and operate the proposed telecommunications services facility;
- b. A description of the physical facility proposed, including capacity, the area to be served, a description of technical characteristics, and a map of the proposed system service area and distribution scheme;
- c. A description of how any construction will be implemented, identification of areas having aboveground or belowground facilities, the proposed construction schedule, and a description (if applicable) of how service will be converted from any existing facility to a new facility. The construction plan shall be coordinated with the city water, sewer, street, and other improvement plans and municipal infrastructure needs.

3. For purposes of this section, "act" means that the city makes the decision to grant, condition, or deny the use permit, or notifies the applicant in writing of the amount of time that will be required to make the decision and the reasons for the required time period.

4. A service provider adversely affected by a final action denying a use permit may commence an action within thirty days in a court of competent jurisdiction to seek relief, which shall be limited to injunctive relief. In any appeal of the final action denying a use permit, the standard for review and burden of proof shall be as set forth in RCW 36.70C.130.

C. In addition to any other applicable reasons, a master or use permit for placement of facilities of personal wireless services may further be denied consistent with the provisions of RCW 35.21.860(1)(e).

(Ord. 1522 § 1, 2019; Ord. 1133 § 1, 2001)

12.02.060 Use permit – Expedited consideration.

Where a service provider does not have a master permit containing procedures to expedite use permit approvals and the service provider requires action in fewer than thirty days, the service provider shall advise the administering official in writing of the reasons why a shortened time period is necessary and the time period within which action by the city is requested. The city shall reasonably cooperate to meet the request where practicable.

(Ord. 1133 § 1, 2001)

12.02.070 Use permit – Advance notice, restrictions on denials.

A. In order to facilitate the scheduling and coordination of work in the right-of-way, the administering officer shall provide as much advance notice, as is reasonable, of plans to open the right-of-way to those service providers who are current users of the right-of-way or who have filed notice with the city clerk within the past twelve months of their intent to place facilities in the city. This obligation may be satisfied by listing such projects in the upper Kittitas County Tribune, which is the newspaper of general circulation in Upper Kittitas County, or any other reasonable means as ordered by the administering officer, including posting notice at City Hall.

B. Service providers are responsible for subscribing to the Upper Kittitas County Tribune at their expense and are further responsible for contacting City Hall for notices relating to this chapter. Service providers are further responsible to maintain on file with the administering officer, the name of a current contact person and that individual's address, telephone number, fax number and email address.

C. The city is not liable for damages for failure to provide notice under this section. Where the city has failed to provide notice of plans to open the right-of-way to a service provider consistent with this section, a use permit to such service provider may not be denied on the basis that the service provider failed to coordinate with another project.

(Ord. 1133 § 1, 2001)

12.02.080 Conditions of occupancy or use of the right-of-way.

The following requirements apply as minimum conditions of installing, locating, using, maintaining, abandoning or removing facilities in the right-of-way or other permitted areas. They are also a basis of negotiation of any franchise or master permit. Service providers or others must accept the following requirements, so long as any use or occupancy continues and regardless of whether a master or use permit or franchise has been issued, revoked or expired:

- A. Service providers must comply with all applicable federal, state, and local laws and ordinances relating to operations in the city, including safety laws and standards, as well as policies and standards of the city, construction codes, regulations, and orders of the administering officer, compliance therewith being subject to audit or verification by the city at the parties' expense;
- B. Service providers must obtain all permits required by the city for the installation, maintenance, repair, or removal of facilities in the right-of-way and pay all permit and filing fees, costs, charges and penalties within thirty days of billing or as otherwise specified by the administering officer;
- C. Compliance with the policies of this chapter;
- D. Service providers must cooperate with the city in ensuring that facilities are installed, maintained, repaired, and removed within the right-of-way in such a manner and at such points so as not to inconvenience the public use of the right-of-way or to adversely affect the public health, safety, and welfare;
- E. Service providers must provide information and plans as reasonably necessary to enable the city to comply with and enforce this chapter, including, when notified by the city directly, through the Upper Kittitas County Tribune or any other means, the provision of advance planning information pursuant to the procedures established by the administering officer, and keep the administering officer fully informed of any changes to information required to be supplied with any master permit or franchise or any use permit;
- F. Service providers must provide advance notice of long – and short-range needs for access to the right-of-way as may be ordered by the administering officer, and otherwise, as much advance notice as reasonable in order to facilitate the scheduling and coordination of work in the right-of-way;
- G. Service providers must obtain the written approval of the facility or structure owner, if the service provider does not own it, prior to attaching to or otherwise using a facility or structure in the right-of-way, and construct, install, operate, and maintain their facilities at their sole expense and liability except as otherwise provided by law or agreement;
- H. Execution of an indemnification agreement providing that the city must not be exposed to risks, claims, or costs because of a service provider, its successor, assignee or other's use or occupancy of the right-of-way or related areas for the location or use of facilities. Such agreement must provide that the service providers fully indemnify and hold the city, its officers, agents and employees, harmless from all loss or liability in connection with their use or occupancy of such areas. Operations in or near the right-of-way should be conducted to minimize or avoid hazard to the public or to prevent interference with the priority of municipal infrastructure needs. Such parties must further pay for loss or damage to municipal assets or injury to municipal personnel, and waive any

second party claims from the user or occupant. If the city nonetheless is exposed to risk or loss, the service provider, successor, assigned or other will protect and defend the city to the maximum extent permitted by law. Minimum insurance requirements are five hundred thousand dollars per occurrence and one million dollars aggregate, with the city as an additional named insured, or as ordered by the administering officer.

I. The city is not responsible for construction or operation of service provider's facilities and has no duty to modify the right-of-way to accommodate such facilities. Permitted areas are accepted for use "as is", and must be accepted along with any risks now or hereafter arising because of lack of municipal resources to maintain the right-of-way in its current or better condition; loss or liability arising from acts or omissions of other users, occupants or the public, unstable earth or roadbed, natural or artificial conditions rendering the right-of-way unsuitable for use for facilities placed; or any other problem. There are no express or implied assurances of suitability of any area for placement of the service provider's facilities.

J. There is no warranty of any municipal title or interest to confer permission to use or access any area. Permission is in the nature of a quitclaim authorization, subject to any other underlying interests as may be established. The city further reserves the right to vacate or abandon as allowed by law any permitted area at no cost or liability to the city. Except and unless shown to be otherwise required by a preemptive right, municipal infrastructure needs have first priority in all cases.

K. There is no duty or liability of the city to any third-party user of a permittee's facilities in the right of way, or to any direct or indirect customers or third-party beneficiaries of a permitted user, and the city expressly disclaims any such duty or responsibility. Parties using or occupying the right-of-way must accept sole responsibility for claims of their direct or indirect third-party users, customers or third-party beneficiaries.

L. Nothing in this chapter limits or restricts any requirement, duty or obligation heretofore arising to the benefit of the city as a result of any municipal contract, permit, or franchise, but such provisions are supplemental and in addition to this chapter. The provisions of this chapter are supplemental and in addition to other applicable municipal ordinances, standards, and requirements. Nothing in this chapter impairs any obligation of contract in violation of the constitution of the state of Washington or the United States.

M. Any damage or disturbance to the right-of-way or surrounding areas caused by the activities of a service provider must be promptly restored thereby, and any patch must be thereafter maintained by the responsible party until the area is repaved. The administering officer may require the responsible party to repave an entire lane within a cut or disturbed location if deemed affected as a result of the service provider's activity, provided, however, that this does not create any right of the city to receive recompense for degradation of the useful life of such right-of-way. Common trenching and coordination of access needs by the user is required to avoid unnecessary cuts or damage to the right-of-way.

N. Access may be limited by the administering officer at a specific location, considering the policies of this chapter, where there is inadequate space or other special limitations in an area. Minimum underground vertical separation is two feet and minimum underground horizontal separation is five feet from city water and sewer facilities and ten feet horizontal and vertical separation from above ground city water and sewer facilities.

O. Any assignment of use or occupancy privileges requires consent of the city in the same manner as right of use or occupancy originally granted, excepting minor stock transfers.

(Ord. 1133 § 1, 2001)

12.02.090 Exemption, preemption.

Any service provider or other party asserting a claim for preemption or exemption from a requirement of this chapter, permit, franchise, or order shall first present the same to the administering officer, with any supporting factual and/or legal arguments. The administering officer shall render a decision thereon within thirty days of receipt of written assertion of preemption or exemption. Such decision shall be made in consultation with the city's legal staff, and appealable to the full council for review de novo. The intent of this provision is to provide a quick and efficient means of understanding and resolving problems arising with respect to any permit or use or occupancy of the right-of-way, consistent with the objectives of this chapter and other applicable laws.

(Ord. 1133 § 1, 2001)

12.02.100 State law provisions.

A. This section recites certain restrictions on municipal authority from Chapter 35.99 Revised Code of Washington, as amended from time to time. For complete text, the reader is referred to Chapter 35.99 RCW, which provides, inter alia, restrictions (which do not apply to preexisting franchises or permits) that the city may not adopt or enforce regulations specifically relating to the use of the right-of-way which:

1. Impose requirements that regulate the services or business operations of the service provider, except where otherwise authorized in state or federal law;
2. Conflict with federal or state laws, rules, or regulations that specifically apply to the design, construction, and operation of facilities or with federal or state worker safety or public safety laws, rules, or regulations;
3. Regulate the services provided based upon the content or kind of signals that are carried or are capable of being carried over the facilities, except where otherwise authorized in state or federal law; or
4. Unreasonably deny the use of the of right-of-way by a service provider for installing maintaining, repairing, or removing facilities for telecommunications services or cable television services.

B. In addition, RCW 35.99.040(2), as amended from time to time, preserves certain areas of municipal authority. Consistent therewith, nothing in this chapter limits the authority of the city or its officials to regulate the placement of facilities through its local zoning or police power, if the regulations do not otherwise:

1. Prohibit the placement of all wireless or of all wireline facilities within the city;
2. Prohibit the placement of all wireless or of all wireline facilities within city rights of way; or

3. Violate Section 253 of the Telecommunications Act of 1996, P.L. 104-104 (110 Stat. 56).

C. This section does not amend, limit, repeal, or otherwise modify the authority of the city to regulate cable television services pursuant to federal law.

(Ord. 1133 § 1, 2001)

12.02.110 Restriction on moratoria.

A. To the extent required by state law, the city shall not place or extend a moratorium on the acceptance and processing of applications, permitting, construction, maintenance, repair, replacement, extension, operation, or use of any facilities for personal wireless services, except as consistent with the guidelines for facilities siting implementation, as agreed to on August 5, 1998, by the Federal Communications Commission's local and state Government Advisory Committee, the Cellular Telecommunications Industry Association, the Personal Communications Industry Association, and the American Mobile Telecommunications Association.

B. Should such a moratorium be implemented, the administering officer shall, on receipt of a written request of a service provider impacted by the moratorium, participate with the service provider in the informal dispute resolution process included with the guidelines for facilities siting implementation. Any costs of municipal participation shall be payable to the city in advance by the service provider.

(Ord. 1133 § 1, 2001)

12.02.120 Relocation.

A. The administering officer may require service providers to relocate authorized facilities within the right-of-way when reasonably necessary for construction, alteration, repair, or improvement of the right-of-way for purposes of public welfare, health, or safety.

B. The administering officer shall coordinate with city planning and development personnel to ensure that relocation costs of authorized facilities within the right-of-way made necessary exclusively for private benefit, including but not limited to private development activities, are reimbursed exclusively by the proponent of the private activity necessitating the relocation.

C. The administering officer shall notify service providers as soon as practicable of the need for relocation and shall specify the date by which relocation shall be completed. Notice may be given by posting the same at city Hall, publication in the Upper Kittitas County Tribune, or any other means reasonably calculated to impart notice. In calculating the date that relocation must be completed, the administering officer shall consult with affected service providers and consider the extent of facilities to be relocated, the services requirements, and the construction sequence for the relocation, within the city's overall project construction sequence and constraints, to safely complete the relocation.

- D. Service providers shall complete the relocation by the date specified, unless the administering officer, or a reviewing court, establishes a later date for completion, after a showing by the service provider that the relocation cannot be completed by the date specified using best efforts and meeting safety and service requirements.
- E. Service providers may not seek reimbursement for their relocation expenses from the city requesting relocation under subsection A of this section except:
1. Where the service provider had paid for the relocation cost of the same facilities at the request of the city within the past five years, the service provider's share of the cost of relocation will be paid by the city when it is requesting the relocation;
 2. Where aerial to underground relocation of authorized facilities is required by the city under subsection A of this section, for service providers with an ownership share of the aerial supporting structures, the additional incremental cost of underground compared to aerial relocation, or as provided for in the approved tariff if less, will be paid by the city requiring relocation; and
 3. Where the city requests relocation under subsection A of this section solely for aesthetic purposes, unless otherwise agreed to by the parties.
- F. Where a project in subsection (A) of this section is determined by the administering officer to be primarily for private benefit, the private party or parties shall reimburse the cost of relocation in the same proportion to their contribution to the costs of the project. Service providers will not be precluded from recovering their costs associated with relocation required under subsection (A) of this section, provided that the recovery is consistent with subsection C of this section and other applicable laws.
- G. The administering officer may require the relocation of facilities at the service provider's expense in the event of an unforeseen emergency that creates an immediate threat to the public safety, health, or welfare.

(Ord. 1133 § 1, 2001)

12.02.130 Facilities for city use.

The administering officer may require that a service provider that is constructing, relocating, or placing ducts or conduits in public rights-of-way provide the city with additional duct or conduit and related structures necessary to access the conduit, provided that:

- A. The city enters into a contract with the service provider consistent with RCW 80.36.150. The contract rates to be charged should recover the incremental costs of the service provider. If the city makes the additional duct or conduit and related access structures available to any other entity for the purposes of providing telecommunications or cable television service for hire, sale, or resale to the general public, the rates to be charged, as set forth in the contract with the entity that constructed the conduit or duct, shall recover at least the fully allocated costs of the service provider. The service provider shall state both contract rates in the contract. The administering officer shall inform the service provider of the use, and any change in use, of the requested duct or conduit and related access structures to determine the applicable rate to be paid by the city.

- B. Except as otherwise agreed by the service provider and the city, the city agrees that the requested additional duct or conduit space and related access structures will not be used by the city to provide telecommunications or cable television service for hire, sale, or resale to the general public.
- C. The city shall not require that the additional duct or conduit space be connected to the access structures and vaults of the service provider.
- D. The value of the additional duct or conduit requested by the city shall not be considered a public works construction contract.
- E. This section shall not affect the provision of an institutional network by a cable television provider under federal law.

(Ord. 1133 § 1, 2001)

12.02.140 Fees and charges.

RCW 35.21.860 addresses limitations on the city's power to impose franchise or other fees on some service providers and other entities specified, including site-specific charges pursuant to agreements with a service provider of personal wireless services as provided therein, which state law is expressly incorporated in this chapter.

(Ord. 1133 § 1, 2001)

12.02.150 Authority of administering officer.

- A. The administering officer interprets and enforces this chapter, and has authority to issue specific orders in specific cases or circumstances as may be deemed necessary. In such event, reasonable effort shall be made to notify affected parties. Specific orders may be issued on application of an affected service provider or providers.
- B. Orders and decisions of the administering officer are guided by the intent of this chapter. Prior to issuance of an order, the administering officer may give such advance notice and opportunity for hearing as deemed proper, or may provide for a hearing upon request to review an order or specific application of a party arising after issuance. The officer may establish a filing fee not to exceed fifty dollars for consideration of any petition for action or determination by a regulated party or other person.
- C. An administrative order may include provision for penalty of not more than five hundred dollars per violation. In case of a continuing violation, each day may be specified to be an additional, and separate violation. No penalty for failure to comply with any administrative order may be assessed except after notice and opportunity for hearing for the affected party. Failure to pay a penalty is a breach of permit conditions and grounds for permit revocation by the administering officer after notice and opportunity for hearing for the permittee.

(Ord. 1133 § 1, 2001)

12.02.160 Appeals.

- A. Any party aggrieved by an order or decision of the administering officer relating to this chapter may appeal the same by filing notice of appeal with the city council within thirty days of the date of mailing or transmittal to such party of such order or decision appealed from. Included with the notice of appeal must be a statement of reasons for the appeal and copies of any pertinent documents or information and proof of delivery in such time limit of such submittal to the administrative officer and city attorney. A filing fee, as set forth by resolution of the city council, must also be paid to the city clerk at the time of filing.
- B. Upon receipt of a notice of appeal, where any penalty or charge is concerned, the administrative officer shall determine the amount of any accrued penalty or charge and notify the appealing party of such determination. The appealing party must post with the city clerk a bond, cash deposit or other suitable form of security as ordered by the administrative officer within ten days of notification as a condition of further prosecuting any appeal. If the appeal is sustained, the security shall be returned. If the appeal is denied, the security shall be applied to any accrued penalty or charge. No appeal shall stay the accrual of any continuing penalty except upon a showing the appeal has substantial merit and was taken in good faith, and not for purposes of delay.
- C. The city council shall conduct a hearing on the appeal within thirty days of filing of the notice of appeal, and enter written findings, conclusions and decision thereafter within thirty days of the hearing. The city council's decision is final, subject to appeal in a court of competent jurisdiction by either party with a notice of appeal filed and served within thirty days. If a city official is the responding party, a copy shall also be served on the city attorney within such time limit.
- D. An order or decision of the administering officer shall be sustained by the city council or a reviewing court unless found to be arbitrary and capricious. Upon timely appeal to a reviewing court, the city clerk shall certify the record and deliver the same to the court where filed. The city clerk may require a deposit of funds by the appealing party in an amount estimated necessary to prepare the record as a condition of certifying the record.

(Ord. 1523 § 1, 2019; Ord. 1133 § 1, 2001)

12.02.170 Users, occupants other than service providers.

Chapter 35.99 Revised Code of Washington does not apply to parties other than service providers. Except where stated, the provisions of this chapter do not apply to parties other than service providers. Such other parties must, however, obtain a franchise or similar permission to enter and use the right-of-way to place facilities as may be negotiated by the administering officer, consistent with sections 12.02.020 and 12.02.080 of this code

(Ord. 1133 § 1, 2001)

Chapter 12.04

SIDEWALK CONSTRUCTION, REPAIR AND MAINTENANCE

Sections:

- 12.04.010 Statutes adopted.**
- 12.04.020 Copies on file.**
- 12.04.030 Amendments.**

12.04.010 Statutes adopted.

Chapter 177 of the Laws of 1949 of the state, together with amendments thereof or additions thereto, is adopted by this reference as RCW Chapter 35.68 of the city.

(Ord. 448 § 1, 1949)

12.04.020 Copies on file.

Not less than three copies of the law adopted by reference have been filed in the office of the city treasurer for use and examination by the public, prior to the adoption thereof.

(Ord. 488 § 2, 1953)

12.04.030 Amendments.

Amendments and additions to the adopted law, when printed or typed and filed with the city treasurer, shall be considered and accepted as amendments and additions to such law as adopted without the necessity of further adoption of such amendments or additions by this city.

(Ord. 488 § 3, 1953)

Chapter 12.06

PRESERVATION OF CITY STREETS

Sections:

- 12.06.010 Purpose.**
- 12.06.020 Applicability.**
- 12.06.030 Seasonal weight and size restrictions.**

12.06.040 All-season weight and use restrictions – Hauling permit required.

12.06.050 Oversized vehicles and loads.

12.06.060 Implementation.

12.06.010 Purpose.

The city of Cle Elum is a historic community that experiences a wide variety of weather conditions. Many streets were not designed or built to contemporary standards and are subject to damage by large and heavy vehicles, particularly during the winter months when the ground is subject to freezing and thawing conditions. The purpose of this chapter is to protect city streets and public rights-of-way from damage and to provide for the responsible use of city streets under special circumstances.

(Ord. 1589 § 1 (Exh. 1), 2020)

12.06.020 Applicability.

The provisions of this chapter shall apply to all streets and rights-of-way owned and maintained by the city of Cle Elum unless specifically exempted.

A. Streets, roads, and highways under the jurisdiction of the Washington State Department of Transportation are exempt. This includes, but is not limited to:

1. Interstate 90;
2. State Route 903;
3. State Route 903 Spur Road; and
4. State Route 970.

B. The following city-owned streets are exempt from the all-season weight and use restrictions:

1. First Street.
2. Second Street.
3. All avenues south of Second Street.
4. Railroad Street.
5. Douglas Munro Boulevard.
6. Pine Street.

7. West Davis Street.
8. Denny Avenue.
9. Marian Drive.

C. In the event that a question is raised regarding the applicability of this chapter to a street, or in the event of a potential conflict with another provision of the Cle Elum Municipal Code, the mayor or his/her designee is authorized to make an administrative code interpretation.

D. Nothing contained in this chapter shall be construed to limit or reduce the authority of the mayor or his/her designee from closing any public right-of-way within the city's corporate boundaries due to emergencies.

(Ord. 1589 § 1 (Exh. 1), 2020)

12.06.030 Seasonal weight and size restrictions.

The mayor or his/her designee may prohibit the operation of trucks or vehicles, and/or may impose such weight or size restrictions, or any other restriction as may be deemed necessary, to protect city streets and rights-of-way from damage or destruction by reason of rain, snow, climatic or other seasonal conditions.

(Ord. 1589 § 1 (Exh. 1), 2020)

12.06.040 All-season weight and use restrictions – Hauling permit required.

The use of city streets and rights-of-way by trucks or vehicles during construction, forestry, or mining activities, and the like, can damage city streets at any time of the year, and/or create unsafe conditions.

- A. The use of city streets by trucks in excess of 10,000 pounds gross vehicle weight, or 40 feet in length, whichever is more restricting, must obtain a city hauling permit or similar authorization, unless determined to be exempt or otherwise authorized by the city.
- B. The following activities and uses may be determined to be exempt by the mayor or his/her designee:
 1. Deliveries of materials, supplies, and products to and from commercial and industrial uses in commercial or industrial zones.
 2. Government vehicles, emergency vehicles, school buses, public utility vehicles, and solid waste vehicles.
- C. The delivery of materials, equipment, and supplies to construction sites within the city may be permitted through the issuance of a building permit or land use permit by the city. The issuance of a permit by the city does not relieve a contractor, truck operator, or project sponsor from the responsibility of repairing any damage that may occur from their authorized or unauthorized use of city streets.

D. The project sponsor of any construction, or other land use or development activity that is located outside of the city, or any forestry, mining, or similar activities that are located inside or outside of the city, that may require the use of city streets by vehicles that exceed the weight and size limitations of this chapter, shall obtain a hauling permit from the city before using any city streets.

1. A permit or approval issued by another jurisdiction, such as Kittitas County or the Washington State Department of Natural Resources, does not relieve a project sponsor from the obligation to obtain a city hauling permit.
2. The city shall establish and maintain a hauling permit application form and checklist that identifies the information that must be submitted for city review and approval. This may include, but is not limited to:
 - a. Identification of the proposed haul route;
 - b. The proposed period and nature of hauling activities;
 - c. The size and weight of hauling vehicles;
 - d. The projected number and frequency of trips;
 - e. Proposed measures to protect the public health and safety such as signage, flaggers, and measures to ensure unimpeded access by emergency vehicles;
 - f. A recent SEPA checklist that specifically addresses the proposed use of city streets and rights-of-way;
 - g. Proposed measures to mitigate potential adverse impacts on city streets, rights-of-way, and associated infrastructure;
 - h. An assessment of existing conditions along the proposed route; and
 - i. A signed statement committing to repair any damage to city streets that may occur because of authorized and unauthorized uses. This may include, but is not limited to, filling potholes, resurfacing streets, repairing or replacing signs, repairs or replacement of stormwater facilities, and the repair or replacement of damaged curbs, sidewalks, and streetscapes.
3. The fee for a city hauling permit shall be set by resolution of the city council and may include the recovery of all costs incurred by the city associated with the review, processing, issuance, monitoring, enforcement, and administration of such permits.
4. The failure to obtain a hauling permit before using a city street shall be subject to civil and criminal penalties and each unauthorized trip shall be considered a separate violation.

(Ord. 1589 § 1 (Exh. 1), 2020)

12.06.050 Oversized vehicles and loads.

The one-time, nonrecurring use of streets and rights-of-way by oversized vehicles and loads, such as the moving of houses, or equipment, should utilize state highways to the greatest extent possible.

A. The one-time, nonrecurring use of city streets and rights-of-way by oversized vehicles and/or the transport of oversized loads may be permitted by the city, only when necessary, through the issuance of a right-of-way use permit, temporary use permit, special use permit, or similar permit or approval.

B. Such permits may include such conditions of approval as may be necessary to protect city streets from damage, repair any damages, and to maintain safe use and public access.

(Ord. 1589 § 1 (Exh. 1), 2020)

12.06.060 Implementation.

The mayor or his/her designee is hereby authorized to establish such forms and administrative procedures as may be necessary to process hauling permits and related approvals as Type I or Type II applications in accordance with the provisions of CEMC Chapter 14.30.

(Ord. 1589 § 1 (Exh. 1), 2020)

Chapter 12.08

OBSTRUCTIONS OR DEFECTS IN SIDEWALKS, PARKING STRIPS AND CURBS

Sections:

12.08.010 Nuisance.

12.08.020 Removal of nuisance by owner.

12.08.030 Violation – Penalty.

12.08.010 Nuisance.

Any snow, ice, slippery substance, hole, obstruction or defect in or upon any sidewalk, parking strip or curb open to the public in the city is declared to be a nuisance. It is unlawful hereafter for any owner, occupant or person, firm or corporation having charge of any premises or portion thereof abutting upon any portion of any sidewalk, parking strip and/or curb to allow such nuisance to remain in or upon such abutting portion of sidewalk, parking strip and/or curb for more than twenty-four hours continuously. It is the obligation and responsibility hereafter of

any and all owners, occupants, and/or persons, firms or corporations having charge of any such abutting premises or portions thereof to keep all abutting portions of sidewalks, parking strips and curbs clear of such nuisances at all times. Any portion of sidewalks, parking strips and curbs lying between such premises and any public avenue, street or alley adjoining such premises shall for purposes of this chapter be included in the term "abutting portion."

(Ord. 489 § 1, 1953)

12.08.020 Removal of nuisance by owner.

The removal of any such nuisance or nuisances by the city or any of its agents or employees at any time or times shall not excuse the failure of any owner, occupant or person, firm or corporation, hereinabove declared responsible, to remove any such nuisance or nuisances from such places at such time or times and at any subsequent time or times.

(Ord. 489 § 2, 1953)

12.08.030 Violation – Penalty.

Any person, firm or corporation who violates or fails to comply with any of the provisions of this chapter for more than twenty-four consecutive hours shall upon conviction thereof be fined in any sum not to exceed one hundred dollars or imprisoned for a period of not more than thirty days or both fined and imprisoned as provided in this section. Each twenty-four-hour period during which any such nuisance is allowed or maintained in any of the places mentioned in Section 12.08.010 shall be considered a separate offense.

(Ord. 489 § 3, 1953)

Chapter 12.12 OBSTRUCTION OF STREET CROSSINGS

Sections:

12.12.010 Obstruction by trains.

12.12.020 Violation – Penalty.

12.12.010 Obstruction by trains.

It is unlawful for any railway company running trains, cars or engines within the limits of the city to obstruct any public street crossing within the limit of the city for more than ten minutes at any one time.

(Ord. 91 § 1, 1907)

12.12.020 Violation – Penalty.

Any violation of the foregoing provision of this chapter shall be deemed a misdemeanor and the person or persons operating or in charge of any train, car or engine which obstructs any public street crossing within the limits of the city for more than ten minutes at any time shall upon conviction of such violation be fined in any sum not less than twenty-five dollars nor more than one hundred dollars; provided, that in no case shall more than one fine be imposed for each offense.

(Ord. 91 § 2, 1907)

Chapter 12.14 SNOW AND ICE

Sections:

- 12.14.010 Depositing snow and ice from parking lots, sidewalks, or any other private property.**
- 12.14.020 Violation – Penalty.**
- 12.14.040 Notice.**
- 12.14.050 Penalties.**

12.14.010 Depositing snow and ice from parking lots, sidewalks, or any other private property.

No person, firm, company or corporation, nor the agent, representative or employee of any person, firm, company or corporation, shall plow or otherwise clear a parking lot, sidewalk, or any other private property of snow or ice and thereafter place, throw or deposit that snow or ice on any street, alley or sidewalk. Snow may be piled in paved parking right of way of a firm, company or corporation during snowfalls as long as it is removed within forty-eight hours of deposit. Snow and ice may also be piled by a firm, company or corporation on gravel parking right of ways only abutting its property as long as the snow or ice does not encroach on paved driving surfaces or create a sight-distance safety problem as will be determined by the city superintendent and/or police chief. Any firm, company or corporation may be asked at any time to remove some or all snow on public rights-of-way within a forty-eight-hour period or the city will remove such and bill the firm, company or corporation for the city's cost plus fifteen percent.

(Ord. 1021 § 1, 1995)

12.14.020 Violation – Penalty.

A violation of this section shall be a civil infraction pursuant to RCW Chapter 7.80.120(1)(a). The maximum penalty and the default amount for a Class 1 civil infraction is two hundred and fifty dollars, plus statutory assessments. A violator may also be required to pay restitution.

(Ord. 1021 § 1, 1995)

12.14.040 Notice.

The city public works director or his or her appointed designee shall have erected signs designating the provisions of CEMC Chapter 12.06, including local access restrictions, at each end of any city public right of way subject to the weight limits and restrictions established pursuant to this chapter, as amended from time to time. The city public works director shall also have published in one issue of a newspaper of general circulation within the city and to be posted at each end of any public right of way, the notice required by RCW 47.48.020 at least three days before such weight limits take effect.

(Ord. 1146 § 2, 2001)

12.14.050 Penalties.

The general penalties for in RCW 46.44.105 as applicable and as hereafter amended are hereby incorporated by this reference, but not less than a \$150.00 fine shall apply to any violation of this chapter, and any person, firm, or corporation or association failing to comply with any of the provisions of CEMC Chapter 12.06 shall be guilty of a misdemeanor.

(Ord. 1146 § 3, 2001)

Chapter 12.16

REMOVAL OF TREES AND VEGETATION

Sections:

- 12.16.010 Removal required.**
- 12.16.020 Removal.**
- 12.16.030 Notice.**
- 12.16.040 Removal by city.**
- 12.16.050 Notice of lien.**
- 12.16.060 Provisions supplemental.**

12.16.010 Removal required.

The owner of any property in the city is required to remove or destroy all trees, plants, shrubs or vegetation, or parts thereof, which overhang any sidewalk or street or which are growing thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public; and is further required to remove or destroy all grass, weeds, shrubs, bushes, trees or vegetation growing or which has grown and died upon property owned or occupied by him and which constitute a fire hazard or a menace to public health, safety or welfare.

(Ord. 476 § 1, 1951)

12.16.020 Removal.

Proceedings for such removal or destruction shall be initiated by a resolution of the city council, adopted after not less than five days' notice to the owner of the property, which shall describe the property involved and the hazardous condition, and require the owner to make such removal or destruction within ten days after notice is given to the owner of the adoption of the resolution.

(Ord. 476 § 2, 1951)

12.16.030 Notice.

Any notice required by this chapter may be given to the owner by service upon him of the notice in writing in the manner provided by the laws of the state for service of summons and complaint in legal actions; and any person who has the care, custody, control or management of any premises or building or who has control of the renting thereof or the collection of rentals therefrom shall, for the purpose of this chapter, be deemed to be the agent of the owner of the premises, and the giving of all notices provided for to the agent shall be deemed due notice to the owner. If any such property or premises is vacant, then the notices may be given to the owner thereof by service as provided in this section, or by depositing in the United States post office the written notice in a sealed envelope with first class postage prepaid, addressed to the owner or his agent at the last known address of the owner or agent.

(Ord. 476 § 3, 1951)

12.16.040 Removal by city.

If the removal or destruction is not made by the owner within the period of time provided therefor in the resolution after notice given as required by this chapter, the city shall forthwith cause the removal or destruction thereof, and in such event the cost to the city shall become a charge against the owner of the property, and shall become a lien against the property.

(Ord. 476 § 4, 1951)

12.16.050 Notice of lien.

Notice of the lien authorized in this chapter shall as nearly as practicable be in substantially the same form, filed with the same officer within the same time and manner, and enforced and foreclosed as is provided by the law of the state for lien and labor and material.

(Ord. 476 § 5, 1951)

12.16.060 Provisions supplemental.

The provisions of this chapter are supplemental and in addition to any other powers granted or held by the city on the same or a similar subject.

(Ord. 476 § 6, 1951)

Chapter 12.20

GATES OPENING ACROSS SIDEWALKS

Sections:

12.20.010 Unlawful.

12.20.020 Violation – Penalty.

12.20.010 Unlawful.

It is unlawful for any person to build or maintain any gate which shall swing or open out upon or across any sidewalk in the city.

(Ord. 84 § 1, 1907)

12.20.020 Violation – Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than five dollars nor more than twenty-five dollars and the police chief shall have authority to destroy any gate found opening or swinging out upon or across any sidewalk in the city.

(Ord. 84 § 2, 1907)

Chapter 12.24

UTILITY POLES

Sections:

12.24.010 Attaching things to utility poles.

12.24.010 Attaching things to utility poles.

It is unlawful to attach to utility poles any of the following: advertising signs, posters, vending machines, or any similar object which presents a hazard to or endangers the lives of utility workers. Any attachment to utility poles shall only be made with the permission of the utility involved and shall be placed not less than twelve feet above the surface of the ground.

(Ord. 853 § 1, 1986)

Chapter 12.28

STREET TREES

Sections:

- 12.28.010 Purpose.**
- 12.28.020 Title.**
- 12.28.030 Enforcing authority.**
- 12.28.040 Definitions.**
- 12.28.050 Permission to plant trees.**
- 12.28.060 Street tree plan.**
- 12.28.070 Public utility and owners.**
- 12.28.080 Dangerous trees a nuisance.**
- 12.28.090 Protection of trees and shrubs.**
- 12.28.100 Permits to public utilities.**
- 12.28.110 Permits.**
- 12.28.120 Appeals.**
- 12.28.130 Penalties.**
- 12.28.140 Tree City reserve account within the general fund – Created.**

12.28.010 Purpose.

It is for the best interest of the city, and of the citizens and public thereof that a comprehensive master plan for planting and maintenance of trees in public places within said city is adopted; therefore, for the purpose of developing and providing such a plan and program, and for the purpose of establishing rules and regulations relating to the planting, care and maintenance of such trees, this chapter is adopted.

(Ord. 1023 § 1, 1995)

12.28.020 Title.

This chapter shall be hereafter referenced to and cited as the "Tree Ordinance of the City of Cle Elum, Washington."

(Ord. 1023 § 2, 1995)

12.28.030 Enforcing authority.

A. The mayor and the city council, through the city superintendent or his duly authorized representative, shall have full power, authority, jurisdiction and control of the planting, location and placement of all trees in the public streets and areas of the city and shall likewise have supervision, direction and control of the care, trimming, removal, relocation and placement thereof and shall be charged with the enforcement of this chapter.

B. The mayor and city council may annually appoint the committee of not more than seven citizens to sit as members of the "tree committee." The tree committee shall provide the mayor and the city superintendent with advice and information as to the supervision, direction and control of the care, trimming, removal and relocation and placement of vegetation in the public streets and areas of the city. It is understood that the committee shall act in an advisory capacity only.

(Ord. 1023 § 3, 1995)

12.28.040 Definitions.

"City superintendent" means the superintendent of utilities and streets of the city.

"Owner" means and includes the legal owner of real property fronting any highway, street of the city or park, and any leases of such owner.

"Park" means and includes all public parks having individual names.

"Persons" means and includes all firms, associations, corporations, and persons connected with such firms, association, and corporations.

"Public places" means and includes all other grounds owned by the city.

"Street" or "highway" means and includes all lands lying between the so-called property lines on either side of all public streets, roads, boulevards and alleys or parts thereof.

"Trees and shrubs" means and includes all woody vegetation now and hereafter growing on any public street or highway or public place.

(Ord. 1023 § 4, 1995)

12.28.050 Permission to plant trees.

No trees or shrubs shall hereafter be placed in or removed from any street, public parking strip or other public place in the city without written permission from the city superintendent.

(Ord. 1023 § 5, 1995)

12.28.060 Street tree plan.

All trees and shrubs hereafter planted in any public parking strip or other public place in the city shall conform as to species and location to the master street tree plan which is adopted, attached and made a part of this chapter.

(Ord. 1023 § 6, 1995)

12.28.070 Public utility and owners.

No person other than an owner or public utility may do any act for which a permit is required under Section 12.28.080 of this chapter except a person whose principal business is tree surgery, trimming or maintenance and who, in the opinion of the city superintendent, is qualified for such business or who has obtained a permit and paid required license fee to carry on such business in the city.

(Ord. 1023 § 7, 1995)

12.28.080 Dangerous trees a nuisance.

Any tree growing on a public alley, street or highway, but so located as to extend its branches over a public alley, street or highway, shall be so trimmed by the owner of the property on which the tree stands, or by his agents,

that there shall be a clear height of twelve feet above the surface of the street, alley or highway and eight feet above the surface of the sidewalks unobstructed by branches, and such owner or his agents shall remove all dead branches and stubs of such tree or trees which are or may become a menace to travelers on the public highways, streets, alleys or sidewalks of the city. Trees whose roots are causing upraised sidewalk slabs or are similarly causing trouble are declared a nuisance.

If a tree or its parts in any other way cause a hindrance to the general public or if it is considered "troublesome," or in any way may endanger the security and usefulness of any public street, highway, alley, sewer or sidewalk, as determined by the city superintendent, it is declared to be a public nuisance. If the owner of such private property does not correct or remove such nuisances within a reasonable time specified in writing by the city superintendent, he shall cause the nuisance to be corrected or removed and the cost shall be assessed to such owner.

(Ord. 1023 § 8, 1995)

12.28.090 Protection of trees and shrubs.

Except to abate a nuisance as defined herein, it shall be a violation of this chapter to:

- A. Fasten any sign, card, poster, wire, rope or other material to or around or through any public tree or shrub, or its guard, in the city without a written permit of the city superintendent except in emergencies such as storms or accidents;
- B. Deposit, place, store or maintain upon any public area of the city, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree or shrub growing therein;
- C. Break, injure, mutilate, kill or destroy any tree or shrub, or permit any fire to burn where such fire will injure any portion of any tree or shrub in any public area; no person shall permit any toxic chemical to seep, drain or be emptied on or about any public tree or shrub; no person shall knowingly permit electric wires to come in contact with any public trees or shrubs unless protected by approved methods; and no person shall attach any electrical insulation to any public tree or shall excavate any ditches, tunnels or trenches, or lay any drive within a radius of ten feet from any public tree or shrub without first obtaining permission from the city superintendent. During building operations the builder shall erect suitable protective barriers around public trees or shrubs apt to be injured.

(Ord. 1023 § 9, 1995)

12.28.100 Permits to public utilities.

Upon application to the city superintendent by a telephone, telegraph, electric power or public service corporation or utility, to trim trees, or perform other operations affecting public trees or shrubs including the activities

otherwise prescribed in Section 12.28.090 of this chapter, or upon application of qualified contractors who have entered into contracts with a telephone, telegraph, electric power or other public service corporation or utility to trim trees or perform other operations affecting public trees or shrubs, the city superintendent shall grant a blanket permit, good until revoked for cause, covering all tree trimming and other operations affecting public trees or shrubs in Cle Elum by such telephone, telegraph, electric power or other public service corporation or utility or qualified contractor. The city superintendent shall be notified of when and where such operations shall take place. The amount of such trimming or extent of the other operations shall be done in a neat, workmanlike manner, and according to generally accepted practices. If necessary the city superintendent may assign an inspector to supervise the provisions of the permit and cost of such service shall be charged to the public service corporation or utility or contractor at cost.

(Ord. 1023 § 10, 1995)

12.28.110 Permits.

Every permit granted by the mayor, or his authorized agent, shall specifically describe the work to be done under it and shall expire at the end of not exceeding sixty days from the date of its issuance, except for those permits issued under Section 12.28.100 of this chapter. No charge shall be made for any permit.

(Ord. 1023 § 11, 1995)

12.28.120 Appeals.

Appeals from order made hereunder may be made by filing written notice thereof with the city clerk within ten days after such order is received, stating in substance that appeal is being made from such order to the city council.

The clerk thereupon shall call such appeal to the attention of the city council at the next regular succeeding meeting, at which meeting the appellant and the city superintendent may present evidence unless a future date is set for hearing the appeal. Action taken by the city council after such a public hearing shall be conclusive.

(Ord. 1023 § 12, 1995)

12.28.130 Penalties.

Any person, firm or corporation violating or failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not to exceed one thousand dollars, or may be imprisoned for a term not to exceed ninety days, or both; provided, however, that in all events restitution shall be ordered commensurate with the value of the damaged or destroyed public trees or shrubs; and further

provided that, any sentence requiring community service shall require not fewer than twenty-five hours of such service, to be supervised by the tree committee overseen by the city superintendent.

(Ord. 1090, 1999; Ord. 1023 § 13, 1995)

12.28.140 Tree City reserve account within the general fund – Created.

There is created for the city a separate reserve account within the general fund to be known as the “Tree City reserve account within the general fund.”

The moneys in this reserve account within the general fund shall be used exclusively for community forestry and shall maintain a budget of at least two dollars per capita.

(Ord. 1497 § 1, 2018)

The Cle Elum Municipal Code is current through Ordinance 1667, passed March 12, 2024.

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

City Website: cityofcleelum.com

City Telephone: (509) 674-2262

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CHAPTER 7.00 - PRELIMINARY ARTICLE

7.00.010 - Preliminary article.

- A. This title shall be known and may be cited as the "Ellensburg criminal code."
- B. As used in this title, "RCW" shall mean the Revised Code of Washington.
- C. As used in this title, "ECC" shall mean the Ellensburg City Code.
- D. If any chapter, section, subsection, sentence, or provision of this title or its application to any person or circumstance is held invalid, the remainder of this title, or the application of the chapter, section, subsection, sentence, or provision to other persons or circumstances is not affected, and to this end, the chapters, sections, subsections, sentences and provisions of this title are declared to be severable.
- E. By adopting Washington State statutes by reference in this title, the city intends to assume jurisdiction over and become the jurisdictional authority for the enforcement and prosecution of misdemeanor and gross misdemeanor crimes committed within the city of Ellensburg.

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Whenever the word "state" shall appear in any statute adopted by reference in this title, the word "city" shall be substituted therefor; provided, however, the term "city" shall not be substituted for the term "state" in those circumstances that set forth administrative or licensing duties of the state and its subdivisions.

- F. Whenever a state statute specifically adopted in this title refers to another state statute not specifically adopted in this title, the statute referred to shall be given the force and effect necessary to enforce the statute specifically adopted in this title.
- G. Any state statute that is adopted by reference in this title and which is later amended, repealed, or recodified shall remain in full force and effect until the effective date of the legislative act that repeals, recodifies, or amends the state statute. The amendment or recodification of any state statute adopted by reference in this title shall retain its full force and effect as part of this title subsequent to the effective date of its amendment or recodification.
- H. When issuing a citation, information, or complaint for the violation of any section of the RCW adopted by this title, it shall be sufficient for a commissioned officer or prosecutor to cite and refer to the RCW section number.
- I. Title, chapter, section and subsection captions are for organizational purposes only and shall not be construed as part of this title.
- J. The provisions of this title do not apply to or govern the construction of or punishment of any offense committed prior to the effective date of the ordinance codified in this title or to the construction and application of any defense to a prosecution for such offense. Such an offense shall be construed and punished according to the provisions of the law existing at the time of the commission of the offense in the same manner as if this title had not been enacted.
- K. As used in this title, words used in the present tense include the future tense; the masculine includes the feminine and neutral genders; and the singular includes the plural and vice versa.
- L. The provisions of this title are intended to create a duty to the public in general and not to create any duty to individuals or to any particular class of individuals. These provisions are not for the protection of any person or class of persons.
- M. Unless otherwise provided in this title, violation of any provision of this title shall be punishable by:
 - 1. *Gross misdemeanor*. Every person convicted of a gross misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 364 days, or by a fine in an amount fixed by the court of not more than \$5,000.00, or by both such imprisonment and fine.
 - 2.

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Misdemeanor. Every person convicted of a misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than \$1,000.00, or by both such imprisonment and fine.

(Ord. No. 4922, § 1, 8-7-2023; Ord. 4438 § 2, 2006)

CHAPTER 7.02 - ADOPTION OF RCW SECTIONS NOT SPECIFICALLY SET FORTH

7.02.010 - Adoption of RCW sections not specifically set forth.

- A. With the exception of the RCW section set forth in subsection (C) of this section, and notwithstanding the RCW sections that are specifically adopted by reference in this title, all RCW sections that constitute misdemeanors and gross misdemeanors and the RCW sections necessary for the investigation, arrest, prosecution, sentencing, confinement, and enforcement of misdemeanors and gross misdemeanors are hereby adopted by reference as currently enacted or as hereafter amended or recodified from time to time, and shall be given the same force and effect as if set forth herein in full.
- B. All class C felony crimes set forth in the RCW are hereby adopted by reference for the purposes of charging a gross misdemeanor for a violation of any of the crimes set forth in chapter 9A.28 RCW. The adoption of class C felonies shall be subject to the provisions of subsection (A) of this section and of chapter 7.00 ECC.
- C. The following RCW section is not adopted by the city of Ellensburg:

EXPAND

RCW	
9A.16.110	Defending against violent crime—Reimbursement

(Ord. 4438 § 2, 2006)

CHAPTER 7.04 - ADOPTION OF SPECIFIC RCW SECTIONS

7.04.010 - Chapter 2.48 RCW, entitled "State Bar Act"—Adoption by reference.

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The following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

 EXPAND

RCW	
2.48.180	Definitions—Unlawful practice a crime—Cause for discipline—Unprofessional conduct—Defense—Injunction—Remedies—Costs—Attorneys' fees—Time limit for action.

(Ord. 4438 § 2, 2006)

7.04.020 - Chapter 7.21 RCW, entitled "Contempt of Court"—Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

 EXPAND

RCW	
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(Ord. 4438 § 2, 2006)

7.04.030 - Chapter 7.80 RCW, entitled "Civil Infractions"—Adoption by reference.

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For purposes of offenses under this title only, the following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

↗ EXPAND

RCW	
7.80.120	Monetary penalties—Restitution.
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(Ord. 4463 § 1, 2007; Ord. 4438 § 2, 2006)

7.04.035 - Chapter 7.105 RCW, entitle "Civil Protection Orders"—Adoption by reference.

For purposes of offenses under this title only, the following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

↗ EXPAND

RCW	
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(Ord. No. 4922, § 2, 8-7-2023)

7.04.040 - RCW title 9, entitled "Crimes and Punishments"—Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

 **EXPAND**

RCW	
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(Ord. 4463 § 2, 2007; Ord. 4438 § 2, 2006)

7.04.050 - RCW title 9A, entitled "Washington Criminal Code"—Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

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9A.56.010	Definitions.
9A.56.020	Theft—Definition, defense.
9A.56.050	Theft in the third degree.
9A.56.060	Unlawful issuance of checks or drafts.
9A.56.096	Theft of rental, leased, or lease-purchased property.
9A.56.140	Possessing stolen property—Definition—Presumption.
9A.56.170	Possessing property in the third degree.

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9A.56.180	Obscuring the identity of a machine.
9A.56.220	Theft of subscription television services.
9A.56.240	Forfeiture and disposal of device used to commit violation.
9A.56.260	Connection of channel converter.
9A.56.270	Shopping cart theft.
9A.56.330	Possession of another's identification.
FRAUD	
9A.60.010	Definitions.
9A.60.045	Criminal impersonation in the second degree.
9A.60.050	False certification.
9A.60.070	False academic credentials—Unlawful issuance or use—Definitions—Penalties.
DEFRAUDING A PUBLIC UTILITY	
9A.61.010	Definitions.
9A.61.020	Defrauding a public utility.
9A.61.050	Defrauding a public utility in the third degree.
9A.61.060	Restitution and costs.
PERJURY AND INTERFERENCE WITH OFFICIAL PROCEEDINGS	
9A.72.010	Definitions.
9A.72.040	False swearing.

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9A.72.050	Perjury and false swearing—Inconsistent statements—Degree of crime.
9A.72.060	Perjury and false swearing—Retraction.
9A.72.070	Perjury and false swearing—Irregularities no defense.
9A.72.080	Statement of what one does not know to be true.
9A.72.085	Unsworn statements, certification.
9A.72.140	Jury tampering.
9A.72.150	Tampering with physical evidence.
OBSTRUCTING GOVERNMENTAL OPERATION	
9A.76.010	Definitions.
9A.76.020	Obstructing a law enforcement officer.
9A.76.030	Refusing to summon aid for a peace officer.
9A.76.040	Resisting arrest.
9A.76.050	Rendering criminal assistance—Definition of term.
9A.76.060	Relative defined.
9A.76.070	Rendering criminal assistance in the first degree.
9A.76.080	Rendering criminal assistance in the second degree.
9A.76.090	Rendering criminal assistance in the third degree.
9A.76.100	Compounding.
9A.76.130	Escape in the third degree.

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9A.76.160	Introducing contraband in the third degree.
9A.76.170	Bail jumping.
9A.76.175	Making a false or misleading statement to a public servant.
ABUSE OF OFFICE	
9A.80.010	Official misconduct.
PUBLIC DISTURBANCE	
9A.84.010	Riot.
9A.84.020	Failure to disperse.
9A.84.040	False reporting.
INDECENT EXPOSURE—PROSTITUTION	
9A.88.010	Indecent exposure.
9A.88.030	Prostitution.
9A.88.050	Prostitution—Sex of parties immaterial—No defense.
9A.88.090	Permitting prostitution.
9A.88.110	Patronizing a prostitute.
9A.88.120	Additional fee assessments.
9A.88.130	Additional requirements.
9A.88.140	Vehicle impoundment.

(Ord. 4463 § 3, 2007; Ord. 4438 § 2, 2006)

7.04.060 RCW title 10, entitled "Criminal Procedure"—Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

[EXPAND](#)

RCW	
WARRANTS AND ARRESTS	
10.31.030	Service—How—Warrant not in possession, procedure—Bail.
10.31.040	Officer may break and enter.
10.31.050	Officer may use force.
10.31.060	Arrest by telegraph or teletype.
10.31.100	Arrest without warrant.
DOMESTIC VIOLENCE—OFFICIAL RESPONSE	
10.99.010	Purpose—Intent.
10.99.020	Definitions.
10.99.030	Law enforcement officers—Training, powers, duties—Domestic violence reports.
10.99.040	Duties of court—No-contact order.
10.99.045	Appearances by defendant—No-contact order.
10.99.050	Victim contact—Restriction, prohibition—Violation, penalties—Written order—Procedures—Notice of change.
10.99.055	Enforcement of orders.
10.99.060	Prosecutor's notice to victim—Description of available procedures.

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10.99.070	Liability of peace officers.

(Ord. No. 4922, § 3, 8-7-2023; Ord. 4438 § 2, 2006)

7.04.070 - Chapter 13.32A RCW, entitled "Family Reconciliation Act"—

Adoption by reference.

The following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

 EXPAND

RCW	
13.32A.080	Unlawful harboring of a minor—Penalty—Defense—Prosecution of adult for involving child in commission of offense.

(Ord. 4438 § 2, 2006)

7.04.080 - Chapter 16.52 RCW, entitled "Prevention of Cruelty to Animals"—

Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

 EXPAND

RCW	
16.52.011	Definitions—Principles of liability.
16.52.015	Enforcement—Law enforcement agencies and animal care and control agencies.
16.52.080	Transporting or confining in unsafe manner—Penalty.
16.52.085	Removal of animals for feeding—Examination—Notice—Euthanasia.

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16.52.090	Docking horses—Misdemeanor.
16.52.095	Cutting ears—Misdemeanor.
16.52.100	Confinement without food and water—Intervention by others.
16.52.165	Punishment—Conviction of misdemeanor.
16.52.190	Poisoning animals—Penalty.
16.52.193	Poisoning animals—Strychnine sales—Records—Report on suspected purchases.
16.52.200	Sentences—Forfeiture of animals—Liability for cost—Civil penalty—Education, counseling.
16.52.207	Animal cruelty in the second degree.
16.52.210	Destruction of animal by law enforcement officer—Immunity from liability.
16.52.300	Dogs or cats used as bait—Seizure—Limitation.

(Ord. 4463 § 4, 2007; Ord. 4438 § 2, 2006)

7.04.090 - Chapter 19.48 RCW, entitled "Hotels, Lodging Houses, Etc.—Restaurants"—Adoption by reference.

The following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

[EXPAND](#)

RCW	
19.48.110	Obtaining hotel, restaurant, lodging house, ski area, etc., accommodations by fraud—Penalty.

(Ord. 4438 § 2, 2006)

7.04.100 RCW title 26, entitled "Domestic Relations"—Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

 EXPAND

RCW	
DISSOLUTION OF MARRIAGE—LEGAL SEPARATION	
26.09.300	Restraining orders—Notice—Refusal to comply—Arrest—Penalty—Defense—Peace officers, immunity.
MISCELLANEOUS PARENTAGE ACT PROVISIONS	
26.26B.050	Restraining order—Knowing violation—Penalty—Law enforcement immunity.
AGE OF MAJORITY	
26.28.080	Selling or giving tobacco to minor—Belief of representative capacity, no defense—Penalty.
26.28.085	Applying tattoo to a minor—Penalty.
ABUSE OF CHILDREN	
26.44.015	Limitations of chapter.
26.44.020	Definitions.
26.44.030	Reports—Duty and authority to make—Duty of receiving agency—Duty to notify—Case planning and consultation—Penalty for unauthorized exchange of information—Filing dependency petitions—Interviews of children—Records—Risk assessment process.
26.44.040	Reports—Oral, written—Contents.

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26.44.060	Immunity from civil or criminal liability—Confidential communications not violated—Actions against state not affected—False report, penalty.
26.44.063	Temporary restraining order or preliminary injunction—Enforcement—Notice of modification or termination of restraining order.
26.44.067	Temporary restraining order or preliminary injunction—Contents—Notice—Noncompliance—Defense—Penalty.
26.44.080	Violation—penalty.
26.44.150	Temporary restraining order restricting visitation for persons accused of sexually or physically abusing a child—Penalty for violating court order.
FOREIGN PROTECTION ORDER FULL FAITH AND CREDIT ACT	
26.52.020	Foreign protection orders—Validity.
26.52.050	Peace officer immunity.
26.52.070	Violation of foreign orders—Penalties.

(Ord. No. 4922, § 4, 8-7-2023; Ord. 4438 § 2, 2006)

7.04.110 - Chapter 28A.635 RCW, entitled "Offenses Relating to School Property and Personnel"—Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

 EXPAND

RCW	
28A.635.020	Willfully disobeying school administrative personnel or refusing to leave public property, violations, when—Penalty.

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28A.635.040	Examination questions—Disclosing—Penalty.
28A.635.050	Certain corrupt practices of school officials—Penalty.
28A.635.090	Interference by force or violence—Penalty.
28A.635.100	Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful.
28A.635.110	Violations under RCW 28A.635.090 and 28A.635.100—Disciplinary authority exception.

(Ord. 4438 § 2, 2006)

7.04.120 - RCW title 66, entitled "Alcoholic Beverage Control"—Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

 EXPAND

RCW	
DEFINITIONS	
66.04.010	Definitions.
EXEMPTIONS	
66.12.010	Wine or beer manufactured for home use.
MISCELLANEOUS REGULATORY PROVISIONS	
66.28.200	Keg registration—Special endorsement for grocery store licensee—Requirements of seller.

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66.28.210	Keg registration—Requirements of purchaser.
66.28.220	Keg registration—Identification of containers—Rules—Fees—Sale in violation of rules unlawful.
66.28.230	Keg registration—Furnishing to minors—Penalties.
ENFORCEMENT—PENALTIES	
66.44.010	Local officers to enforce law—Authority of board—Liquor enforcement officers.
66.44.040	Sufficiency of description of offenses in complaints, information, process, etc.
66.44.060	Proof of unlawful sale establishes prima facie intent.
66.44.070	Certified analysis is prima facie evidence of alcoholic content.
66.44.080	Service of process on corporation.
66.44.090	Acting without license.
66.44.100	Opening or consuming liquor in a public place—Penalty.
66.44.120	Unlawful use of seal.
66.44.130	Sales of liquor by drink or bottle.
66.44.140	Unlawful sale, transportation of spirituous liquor without stamp or seal—Unlawful operation, possession of still or mash.
66.44.150	Buying liquor illegally.
66.44.160	Illegal possession, transportation of alcoholic beverages.
66.44.170	Illegal possession of liquor with intent to sell—Prima facie evidence, what is.
66.44.175	Violations of law.

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66.44.180	General penalties—Jurisdiction for violations.
66.44.200	Sales to persons apparently under the influence of liquor—Purchases or consumption by persons apparently under the influence of liquor on licensed premises—Penalty—Notice—Separation of actions.
66.44.210	Obtaining liquor for ineligible person.
66.44.240	Drinking in public conveyance—Penalty against carrier—Exception.
66.44.250	Drinking in public conveyance—Penalty against individual—Restricted application.
66.44.270	Furnishing liquor to minors—Possession, use—Exhibition of effects—Exceptions.
66.44.280	Minor applying for permit.
66.44.290	Minor purchasing or attempting to purchase liquor—Penalty.
66.44.300	Treats, gifts, purchases of liquor for or from minor, or holding out minor as at least 21, in public place where liquor sold.
66.44.310	Minors frequenting off-limits area—Misrepresentation of age—Penalty—Classification of licensees.
66.44.316	Certain persons 18 years and over permitted to enter and remain upon licensed premises during employment.
66.44.318	Employees aged 18 to 21 stocking, merchandising, and handling beer and wine.
66.44.325	Unlawful transfer to a minor of an identification of age.
66.44.328	Preparation or acquisition and supply to persons under age 21 of facsimile of official identification card—Penalty.
66.44.340	Employees 18 years and over allowed to sell and handle beer and wine for certain licensed employers.

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66.44.350	Employees 18 years and over allowed to serve and carry liquor, clean up, etc., for certain licensed employers.
66.44.370	Resisting or opposing officers in enforcement of title.

(Ord. 4438 § 2, 2006)

7.04.130 - RCW title 69, entitled "Food, Drugs, Cosmetics, and Poisons"— Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

 EXPAND

RCW	
LEGEND DRUGS—PRESCRIPTION DRUGS	
69.41.010	Definitions.
69.41.030	Sale, delivery, or possession of legend drug without prescription or order prohibited—Exceptions—Penalty.
69.41.050	Labeling requirements—Penalty.
69.41.060	Search and seizure.
69.41.300	Definitions.
69.41.320	Practitioners—Restricted use—Medical records.
69.41.350	Penalties.
PRECURSOR DRUGS	

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69.43.010	Report to pharmacy quality assurance commission—List of substances—Modification of list—Identification of purchasers—Report of transactions—Penalties.
69.43.020	Receipt of substance from source outside state—Report—Penalty.
69.43.030	Exemptions.
69.43.035	Suspicious transactions—Report—Penalty.
69.43.040	Reporting form.
69.43.043	Recordkeeping requirements—Penalty.
69.43.048	Reporting and recordkeeping requirements—Submission of computer readable data, copies of federal reports.
69.43.090	Permit to sell, transfer, furnish, or receive substance—Exemptions—Application for permit—Fee—Renewal—Penalty.
69.43.110	Ephedrine, pseudoephedrine, phenylpropanolamine—Sales restrictions—Electronic sales tracking system—Penalty.
69.43.120	Ephedrine, pseudoephedrine, phenylpropanolamine—Possession of more than fifteen grams—Penalty—Exceptions.
69.43.130	Exemptions—Pediatric products—Products exempted by the pharmacy quality assurance commission.
69.43.135	Iodine, methylsulfonylmethane—Sales restrictions—Recording of transaction—Penalty.
UNIFORM CONTROLLED SUBSTANCES ACT	
69.50.101	Definitions.
69.50.102	Drug paraphernalia—Definitions.
69.50.202	Nomenclature.

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69.50.204	Schedule I.
69.50.206	Schedule II.
69.50.208	Schedule III.
69.50.210	Schedule IV.
69.50.212	Schedule V.
69.50.401	Prohibited acts: A—Penalties.
69.50.4011	Counterfeit substances—Penalties.
69.50.4013	Possession of controlled substance—Penalty—Possession of useable cannabis, cannabis concentrates, or cannabis-infused products—Delivery.
69.50.4014	Possession of 40 grams or less of cannabis—Penalty.
69.50.4016	Provisions not applicable to offenses under RCW 69.50.410.
69.50.404	Penalties under other laws.
69.50.407	Conspiracy.
69.50.408	Second or subsequent offenses.
69.50.412	Prohibited acts: E—Penalties.
69.50.4121	Drug paraphernalia—Selling or giving—Penalty.
69.50.435	Violations committed in or on certain public places or facilities—Additional penalty—Defenses—Construction—Definitions.
69.50.445	Opening package of or consuming cannabis, useable cannabis, cannabis-infused products, or cannabis concentrates in view of general public or public place—Penalty.
69.50.475	Cannabis retail outlets—Sale to persons under the age of twenty-one—Penalty.

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69.50.505	Seizure and forfeiture.
69.50.509	Search and seizure of controlled substances.
69.50.560	Controlled purchase programs—Persons under age of twenty-one—Violation—Criminal penalty—Exceptions.
MEDICAL CANNABIS	
69.51A.005	Purpose and intent.
69.51A.010	Definitions.
69.51A.030	Acts not constituting crimes or unprofessional conduct—Health care professionals not subject to penalties or liabilities.
69.51A.040	Compliance with chapter—Qualifying patients and designated providers not subject to penalties—Law enforcement not subject to liability.
69.51A.043	Failure to enter into the medical cannabis authorization database—Affirmative defense.
69.51A.045	Possession of plants, cannabis concentrates, useable cannabis or cannabis-infused products exceeding lawful amount—Affirmative defense.
69.51A.050	Medical cannabis, lawful possession—State not liable.
69.51A.055	Limitations of chapter—Persons under supervision.
69.51A.060	Crimes—Limitations of chapter.
69.51A.260	Housing unit—No more than fifteen plants may be grown or located—Exception—Civil penalties.

(Ord. No. 4922, § 5, 8-7-2023; Ord. 4463 § 5, 2007; Ord. 4438 § 2, 2006)

7.04.140 - RCW title 70, entitled "Public Health and Safety"—Adoption by reference.

⋮

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

 EXPAND

RCW	
WASHINGTON STATE EXPLOSIVES ACT	
70.74.010	Definitions.
70.74.160	Unlawful access to explosives.
70.74.295	Abandonment of explosives.
70.74.300	Explosive containers to be marked—Penalty.
70.74.310	Gas bombs, explosives, stink bombs, etc.
70.74.400	Seizure and forfeiture.
TOBACCO—ACCESS TO MINORS	
70.155.080	Purchasing, possessing, or obtaining tobacco by persons under the age of 18—Civil infraction—Courts of jurisdiction.

(Ord. 4438 § 2, 2006)

7.04.150 - Chapter 74.34 RCW, entitled "Abuse of Vulnerable Adults"—

Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

 EXPAND

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74.34.020	Definitions.
74.34.021	Vulnerable adult—Definition.
74.34.035	Reports—Mandated and permissive—Contents—Confidentiality.
74.34.040	Reports—Contents—Identity confidential.
74.34.050	Immunity from liability.
74.34.053	Failure to report—False reports—Penalties.
74.34.145	Protection of vulnerable adults—Notice of criminal penalties for violation—Enforcement under RCW 26.50.110.

(Ord. 4438 § 2, 2006)

CHAPTER 7.06 - MAKING OR HAVING VEHICLE PROWL OR VEHICLE THEFT TOOLS

7.06.010 - Making or having vehicle prowl or vehicle theft tools.

Every person who shall make or mend, or cause to be made or mended, or have in his or her possession any engine, machine, tool, false key, master key, adapted or altered key, pick lock, bit, nippers, dent remover, or implement, adapted, designed, or commonly used for the commission of vehicle prowl or vehicle theft under circumstances evidencing an intent to use or employ, or allow the same to be used or employed in the commission of a vehicle prowl or vehicle theft or knowing that the same is or was intended to be so used, shall be guilty of making or having vehicle prowl or vehicle theft tools.

(Ord. 4438 § 2, 2006)

7.06.020 - Penalty—Misdemeanor.

Making or having vehicle prowl or vehicle theft tools is a misdemeanor.

(Ord. 4438 § 2, 2006)

CHAPTER 7.08 - INTERFERING WITH POLICE ANIMALS OR ACCELERANT DETECTION DOGS

7.08.010 - Definition.

"Police animal" shall mean dogs or horses.

(Ord. 4438 § 2, 2006)

7.08.020 - Unlawful interference.

- A. No person shall willfully or maliciously assault, torment, beat, kick, or otherwise strike any police animal or accelerant detection dog as defined in RCW 4.24.410, owned or being used by the police or fire service in the performance of its official duties.
- B. No person shall willfully hinder, delay, or obstruct any animal used by a law enforcement officer in discharging or attempting to discharge his official duties.

(Ord. 4566 § 25, 2010; Ord. 4438 § 2, 2006)

7.08.030 - Penalty—Gross misdemeanor.

Any person violating the provisions of this chapter shall be guilty of a gross misdemeanor.

(Ord. 4438 § 2, 2006)

CHAPTER 7.10 - DISORDERLY CONDUCT

7.10.010 - Definition.

"Public place," for purposes of this chapter, shall mean an area generally visible to public view, and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink to provide entertainment, and the doorways and entrances to those buildings or dwellings and the grounds enclosing them.

(Ord. 4438 § 2, 2006)

7.10.030 - Disorderly conduct.

A person is guilty of disorderly conduct if the person:

- A. Uses abusive language and thereby intentionally creates a risk of assault;

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- B. Intentionally disrupts any lawful assembly or meeting of persons without lawful authority;
 - C. Intentionally obstructs vehicular or pedestrian traffic without lawful authority; or
 - D. Is fighting another person or persons in a public place or in the public view.

(Ord. 4818 § 1, 2018; Ord. 4463 § 7, 2007; Ord. 4438 § 2, 2006)

7.10.050 - Penalty—Misdemeanor.

⋮

Disorderly conduct is a misdemeanor.

(Ord. 4628 § 1, 2012; Ord. 4438 § 2, 2006)

CHAPTER 7.12 - UNLAWFUL POSSESSION OF DANGEROUS KNIVES

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7.12.010 - Definition.

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"Dangerous knife" means any knife having a blade more than three inches in length, or any dagger, sword, bayonet, bolo knife, machete, straight-edged razor, or razor blade not in a package, dispenser or shaving appliance.

(Ord. 4438 § 2, 2006)

7.12.020 - Unlawful possession of dangerous knives.

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It is unlawful for anyone knowingly to carry concealed on his person or in any vehicle any dangerous knife.

(Ord. 4438 § 2, 2006)

7.12.030 - Exemptions.

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The proscriptions of this chapter relating to dangerous knives shall not apply to:

- A. Individual licensed hunters or fishermen while on a hunting, camping or fishing trip.
- B. Any person carrying such knife in a secure wrapper from or to the place of purchase or a place of repair to or from his home or place of business, or in moving from one place of abode or business to another, or while in his place of abode or fixed place of business.
- C. Persons in the military service or commissioned law enforcement officers actually engaged in the performance of his or her duty or training or in the course of any training acting pursuant to orders from competent authority, nor shall this chapter apply to any property owner or person acting under his or her authority in providing protection against the commission of a felony.

(Ord. 4438 § 2, 2006)
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7.12.040 - Penalty—Misdemeanor.

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Unlawful possession of dangerous knives is a misdemeanor.

(Ord. 4438 § 2, 2006)

CHAPTER 7.14 - SALE OF TOBACCO PRODUCTS TO MINORS

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7.14.010 - Legislative intent.

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The city council finds cigarette smoking by minors to be a continuing problem with grave social consequences. Much more strenuous action to curtail the availability of cigarettes and tobacco products to minors is necessary. The National Institute on Drug Abuse and the U.S. Public Health Service have concluded that the nicotine in tobacco is a powerful, habit-forming drug and have described nicotine addiction as the most widespread example of drug dependence in our country. It is imperative to take more vigorous enforcement action to implement the existing prohibition of sales of tobacco to minors found in state law at RCW 26.28.080.

(Ord. 4438 § 2, 2006)

7.14.020 - Definitions.

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For the purposes of this chapter all words and phrases shall have the meanings ascribed to them, unless otherwise noted.

Sales conducted in person means that payment for the purchase of the tobacco item is received directly and in person from the purchaser by the seller or his/her employee. Sales from tobacco vending machines which are located in plain view of the seller or of his/her employee which are controlled by an electronic device activated by the seller or his/her employee shall be considered to be "sales conducted in person."

Tobacco machine operator means any person who operates, rents or possesses one or more tobacco vending machines.

Tobacco vending machine means and includes any machine or device designed for or used for the vending of cigarettes, cigars, tobacco or any tobacco products upon the insertion of coins, bills, trade checks or slugs.

(Ord. 4438 § 2, 2006)

7.14.030 - Sales to persons under 18 prohibited.

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A. It is unlawful for anyone to sell or give, or permit to be sold or given, to any person under the age of 18 years any cigar, cigarette, cigarette paper or wrapper, or tobacco in any form.

B. Sales to persons under 18 shall be a gross misdemeanor.

(Ord. 4438 § 2, 2006)

7.14.040 - Cigarette sales by package only.

It is unlawful for a retailer to sell cigarettes except in an unopened package provided by the manufacturer with required health warnings.

(Ord. 4438 § 2, 2006)

7.14.050 - Samples.

It is unlawful for a manufacturer, a retailer or any other distributor of tobacco products to distribute free samples of tobacco products in any setting within the jurisdiction of Ellensburg.

(Ord. 4438 § 2, 2006)

7.14.060 - Enforcement.

All law enforcement personnel of the city are authorized and directed to enforce the terms and provisions of this chapter. Any violation of this chapter, unless otherwise stated, shall be a misdemeanor and any person convicted thereof shall be liable to a fine of not to exceed \$500.00 and to a jail sentence of not to exceed five days.

(Ord. 4438 § 2, 2006)

7.14.070 - Notice of sales.

No one shall sell, or permit to be sold, cigarettes or other tobacco products to anyone, unless the tobacco vending machine or other location at which the cigarettes or other tobacco products are available for purchase is posted with a notice at a point of purchase which is clearly visible to anyone considering purchase of the products, and which states:

IT IS ILLEGAL TO SELL OR PERMIT TO BE SOLD ANY TOBACCO PRODUCTS TO ANY PERSON UNDER THE AGE OF EIGHTEEN (18)—R.C.W. 26.28.080; ELLENSBURG CITY CODE CHAPTER 7.14.

The notice must be in black letters at least one inch in height on a white background, and will be made available by the city clerk's office or the department of health. The prospective seller shall require proof of age from anyone who reasonably appears to be under 18.

(Ord. 4438 § 2, 2006)

7.14.080 - Location.

After the effective date of the ordinance codified in this chapter, tobacco vending machines or any other mechanism or method of retail sales of cigarettes or other tobacco products which do not require a sale to be conducted in person by the seller or agent of the seller are prohibited in this city; provided, that this section shall not prohibit the installation and use of a tobacco vending machine by a proprietor, his/her agents or his/her employees 18 years or older in:

- A. Any premises or portion thereof to which access by minors is expressly prohibited by law if, and only if, the tobacco vending machine is located fully within such premises from which minors are prohibited and not less than ten feet from all entrance and/or exit ways; and
- B. Commercial buildings or industrial plants or portions thereof where the public is expressly prohibited and where such machines are strictly for the use of the employees therein.

(Ord. 4438 § 2, 2006)

CHAPTER 7.15 - PUBLIC INDECENCY

7.15.010 - Definition.

"Public place," for purposes of this chapter, shall mean an area generally visible to public view, and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink to provide entertainment, and the doorways and entrances to those buildings or dwellings and the grounds enclosing them.

(Ord. 4818 § 2, 2018)

7.15.020 - Urinating and/or defecating in public.

It is unlawful for any person to intentionally urinate or defecate in a public place, other than in a toilet, urinal, washroom, toilet room or portable toilet, where such act could be observed by any member of the public.

(Ord. 4818 § 2, 2018)

7.15.030 - Penalty.

Any person who violates this chapter shall be assessed a penalty and default amount in an amount not to exceed \$250.00, not including statutory assessments; provided, that the penalty and default amount for a second violation shall not exceed \$500.00. Any person who violates this chapter and has

been found to have committed two prior violations of this chapter shall be guilty of a misdemeanor.

Code of Ordinances

(Ord. 4818 § 2, 2018)

< 6.72.280 - Ordinance not intended towards particular group or class.

Title 8 - TRAFFIC >