

CITY ADMINISTRATOR
ROBERT OMANS

CITY CLERK
DEBBIE LEE

FINANCE DIRECTOR
ROBIN NEWCOMB

PUBLIC WORKS

POLICE CHIEF
RICH ALBO

FIRE CHIEF
ED MILLS

PLANNER

General Government Committee

Agenda
October 23, 2024
8:30 AM



119 W FIRST STREET
CLE ELUM, WA 98922

MAYOR
MATTHEW LUNDH

MAYOR PRO TEM
STEVEN HARPER

GENERAL GOVERNMENT
COMMITTEE
STEVEN HARPER - CHAIR
JERRED WIES
BETH WILLIAMS

CITY ATTORNEY
ALEXANDRA KENYON

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

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

 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/Pledge of Allegiance**
2. **Unfinished Business**
 - a. Cle Elum Municipal Code Review - CEMC Title 3 Revenue & Finance
 - b. Senior Center Contract
3. **New Business**
 - a. September 25, 2024, General Government Meeting Minutes
 - b. CEMC Title 5 Business Licenses, Taxes and Regulations
 - c. CEMC Title 6 Animals
4. **Other Committee Comments**
5. **Adjourn**

Upcoming Meetings:

General Government Committee Meeting: November 27, 2024 @ 8:30 a.m.

Regular Council Meeting: November 12, 2024 @ 6:00 p.m.

Planning Commission Meeting: November 5, 2024 @ 6:00 p.m.

Lodging Tax & Events Committee Meeting: November 12, 2024 @ 8:30 a.m.

Public Safety & Health Committee Meeting: November 19, 2024 @ 1:00 p.m.

Public Works & Community Development Committee Meeting: November 7, 2024 @ 12:00 p.m.

Coal Mines Trail Commission Meeting: November 4, 2024 @ 6:00 p.m.

Historical Preservation Commission Meeting: November 19, 2024 @ 3:00 p.m.

General Government Committee Agenda October 23, 2024

119 W FIRST STREET
CLE ELUM, WA 98922

Title 3

REVENUE AND FINANCE

Chapters:

- 3.02 Use of Collection Agency**
- 3.04 Finance Committee**
- 3.06 Purchasing**
- 3.08 Warrants**
- 3.12 Payroll Warrants**
- 3.16 Newspaper Publication Bids**
- 3.20 Claims against City**
- 3.24 Ad Valorem Taxes**
- 3.26 Gambling and Taxation Thereof**
- 3.28 Leasehold Excise Tax**
- 3.30 Registration System for Bonds and Obligations**
- 3.32 Local Improvements**
- 3.34 Procurement**
- 3.36 Antirecession Fiscal Assistance Fund**
- 3.40 Arterial Street Fund**
- 3.44 Carpenter Memorial Library Construction Fund**
- 3.48 Federal Shared Revenue Fund**
- 3.52 Fire Department Automotive Apparatus Cumulative Reserve Account Within the General Fund**
- 3.56 Library Reserve Account Within the General Fund**
- 3.60 Sewage Disposal Plant Cumulative Reserve Fund**
- 3.64 Swimming Pool Maintenance and Operation Fund**
- 3.66 Sales and Use Tax**
- 3.68 Room Tax**
- 3.70 Admissions and Entertainment Tax**
- 3.72 Water and Sewer Utility Tax**
- 3.76 Real Estate Excise Tax**
- 3.78 Police Department Substance Abuse Prevention Fund**
- 3.80 Athletic Field Rehabilitation Fund**
- 3.88 Claims/Payroll Clearing Fund**
- 3.90 Cumulative Reserve Account Within the General Fund for the Purchase of Police Vehicles and Vehicle Equipment**
- 3.92 Water Rehabilitation Fund**

3.94	Water/Sewer Reserve Funds
3.98	Fireman Park Improvement Reserve Account Within the General Fund
3.100	Coal Mine Trail Fund
3.102	Drug Enforcement Fund
3.104	Bullfrog Shortfall Accounting Fund
3.106	General Obligation Debt Service Fund
3.108	HP Fishery Replacement Fund
3.112	Technology Reserve Fund

Chapter 3.02

USE OF COLLECTION AGENCY

Sections:

- 3.02.010 Authority of the city.**
- 3.02.020 Administration.**
- 3.02.030 Authority of collection agency.**

3.02.010 Authority of the city.

The city and each of its departments are hereby granted to use collection agencies to the full extent authorized pursuant to RCW [19.16.500](#)

(Ord. 1408 § 1 (Exh. A), 2014)

3.02.020 Administration.

The city administrator is authorized to administer the collection of costs, charges, fees and penalties due to the department or to the city by use of a collection agency pursuant to RCW [19.16.500](#). Any amounts not paid within 30 days may be assigned for collection. The city administrator is authorized to enter into agreements with collection agencies to carry out the purpose of this chapter.

(Ord. 1408 § 1 (Exh. A), 2014)

3.02.030 Authority of collection agency.

If the collection agency pursues a debt in a court action, the collection agency is authorized to collect all costs of litigation, including attorney's fees and court costs, and other amounts as authorized by law.

(Ord. 1408 § 1 (Exh. A), 2014)

Chapter 3.04 FINANCE COMMITTEE

Sections:

3.04.010 Composition.

3.04.020 Investment.

3.04.010 Composition.

The mayor, the city treasurer, and one city councilman shall constitute the city finance committee. The council member shall be appointed by the council and shall remain a member at the pleasure of the council. The mayor shall act as chairman of the committee and the city treasurer as secretary thereof. A complete record of all investments shall be kept in the financial records of the city, maintained by the city treasurer.

(Ord. 603 § 1, 1966)

3.04.020 Investment.

The finance committee is authorized to invest city money from inactive funds or from other funds in excess of current needs in the manner and in the investments prescribed by RCW [35.39.030](#), without the necessity of a consenting ordinance of the city council for each such investment. The finance committee shall make a monthly report of all investment transactions to the city council. The city council or the city finance committee may at any time convert the securities, or any part thereof, into cash. The treasurer shall remain the custodian of all such moneys and securities for the city, as prescribed by RCW [35.24.130](#).

(Ord. 603 § 2, 1966)

Chapter 3.06

PURCHASING

Sections:

- 3.06.010 Purchase of materials, equipment, supplies, or services.**
- 3.06.020 Purchase contract process – Other than formal sealed bidding.**

3.06.010 Purchase of materials, equipment, supplies, or services.

- A. The mayor and city administrator are authorized, without further action by the city council, to purchase or enter into contracts for materials, equipment, supplies, and services, not otherwise subject to other provisions of state law or city code, in amounts up to thirty thousand dollars.
- B. The mayor and city administrator are authorized, with the consent of all city council finance committee members, to enter into architectural and engineering contracts in amounts up to fifty thousand dollars.
- C. The mayor and city administrator are authorized, with the consent of all city council finance committee members, to purchase materials, equipment, supplies and services, subject to other provisions of state law and city code, in amounts up to fifty thousand dollars.
- D. The specified constraints remain applicable even to purchases, whether they are budgeted expenses or funded by a grant. Also, the procurement policy still applies.
- E. Purchases made or contracts entered into under subsections [\(B\)](#) and [\(C\)](#) of this section shall be approved by the city council at the next regularly scheduled meeting.

(Ord. 1669 § 1, 2024; Ord. 1604 § 1, 2021; Ord. 1555 § 1, 2019)

3.06.020 Purchase contract process – Other than formal sealed bidding.

RCW [39.04.190](#) (Purchase contract process – Other than formal sealed bidding) is hereby adopted by reference as currently adopted or as hereafter amended.

(Ord. 1555 § 1, 2019)

Chapter 3.08

WARRANTS

Sections:

3.08.010 Interest paid.**3.08.010 Interest paid.**

All warrants issued by the city upon or against any fund of the city which are presented and payment thereof refused for want of funds, shall be endorsed "Not paid for want of funds" and shall thereafter bear interest until called for payment at the rate of four percent per annum.

(Ord. 359 § 1, 1940)

Chapter 3.12

PAYROLL WARRANTS

Sections:

- 3.12.010 Payroll period.**
- 3.12.020 Approval by department head.**
- 3.12.030 Approval by city clerk.**
- 3.12.040 Submission of payroll to city council.**

3.12.010 Payroll period.

To provide for systematic payment of city employees, city payroll warrants shall be issued on the last work day of the month and on the sixteenth of each month, unless the sixteenth falls on a Saturday, Sunday or holiday then employees shall be paid on the last work day prior to such day.

(Ord. 1285 § 1, 2008; Ord. 944 § 1, 1991; Ord. 692 § 1, 1975)

3.12.020 Approval by department head.

All claims for compensation to employees shall be approved and signed by the responsible department head, said department head certifying that the claim is just, true and unpaid, which certificate shall be a part of each voucher presented for payment.

(Ord. 692 § 2, 1975)

3.12.030 Approval by city clerk.

Each claim for payment of employee wages shall be approved by the city clerk and the city clerk shall certify that the claim is just, true and unpaid, which certificate shall be a part of each voucher presented for payment.

(Ord. 692 § 3, 1975)

3.12.040 Submission of payroll to city council.

Each payroll shall be submitted to the city council for approval at the next meeting following each payroll period.

(Ord. 692 § 4, 1975)

Chapter 3.16

NEWSPAPER PUBLICATION BIDS

Sections:

- 3.16.010 Call for bids.**
- 3.16.020 Fiscal year.**
- 3.16.030 Official newspaper.**

3.16.010 Call for bids.

Bids shall be called annually for the publication in a newspaper published or of general circulation in the city, of all notices or newspaper publications of the city, required by law. Notice of the call for bids shall be published once in the then official city newspaper at any time between June 15th and July 15th, and the contract shall be awarded to the lowest responsible bidder at the last city council meeting in July, for the following fiscal publication year.

(Ord. 505 § 1, 1954)

3.16.020 Fiscal year.

The fiscal publication year of the city shall commence on August 1st and end on July 31st of the following calendar year.

(Ord. 505 § 2, 1954)

3.16.030 Official newspaper.

The city's official newspaper during each fiscal year shall be the newspaper to which such bid is awarded for that particular fiscal year.

(Ord. 505 § 3, 1954)

Chapter 3.20

CLAIMS AGAINST CITY¹

Sections:

- 3.20.010 Filing of claims – Content.**
- 3.20.020 Invalid claim – Action prohibited.**
- 3.20.030 Risk manager designated.**
- 3.20.100 Claims adjustment.**
- 3.20.110 Issuance of check before city council approval.**
- 3.20.120 Finality.**
- 3.20.150 Severability.**
- 3.20.170 Payrolls and wage claims.**

1 Editor's note: Ord. No. [1407](#), § 1, repealed Ch. [3.20](#) in its entirety. Section 1(Att.) added a new Ch. [3.20](#) to read as herein set out. Former Ch. [3.20](#) pertained to similar subject matter and derived from Ord. [693](#), §§ 1 – 5, 1975.

3.20.010 Filing of claims – Content.

- A. All claims for damages against the city shall be filed with the city clerk. The city clerk shall immediately forward copies of such claims to the affected city department for comment, the city's risk manager and to the city's risk management service agency.
- B. All such claims for damages shall be filed on forms provided by the city, and shall accurately state the time, place, source, nature and extent of the alleged damage, and give the actual residence of the claimant by street and number at the date of presenting such claim and shall be verified by affidavit of the claimant, or such other person as may be authorized by law to verify such claim to the effect that the same is true.
- C. No action shall be maintained against the city for any claim for damages until the claim has been properly presented to the city as provided herein. The omission to present any claim for damages against the city in the manner or within any time limits provided by law shall be a bar to any action against the city therefor.

(Ord. 1407 § 1(Att.), 2014)

3.20.020 Invalid claim – Action prohibited.

Neither the city council nor any department or officer shall allow, make valid or in any manner recognize any demand against the city which was not at the time of its creation a valid claim against the city; nor shall they, or any of them, allow or authorize to be paid any demands which, without such action, would be invalid or which would have been barred by any statute of limitations, or for which the city was never liable.

(Ord. 1407 § 1(Att.), 2014)

3.20.030 Risk manager designated.

The city administrator is hereby designated as the city's risk manager.

(Ord. 1407 § 1(Att.), 2014)

3.20.100 Claims adjustment.

Approval, denial, or settlement and authorization for payment of claims shall be as follows:

- A. The city's designated risk manager shall be authorized to approve, deny or settle all claims for damages up to \$2,500.00.
- B. All claims for damages which are greater than \$2,500.00, but are less than \$25,000.00, shall be submitted to the city council, along with report and recommendation from the risk manager, for approval, denial or settlement.
- C. All claims which involve bodily or personal injury shall be promptly submitted to the city's risk management service agency for adjustment, along with information regarding the claim submitted by the affected city department. Claims which do not specify an amount of damages or incidents which may result in the filing of a claim may be submitted to the risk management service agency at the designated risk manager's discretion.

(Ord. 1407 § 1(Att.), 2014)

3.20.110 Issuance of check before city council approval.

In order to expedite the payment of claims for damages, the city risk manager, within the limits of his or her authority set out by this chapter, may authorize the issuance of a check to settle a claim prior to city council review and approval, consistent with the requirements of RCW 42.24.180.

(Ord. 1407 § 1(Att.), 2014)

3.20.120 Finality.

The decision of the designated risk manager, city council or the risk management service agency to approve, deny or otherwise settle any claim as provided herein shall be final and conclusive.

(Ord. 1407 § 1(Att.), 2014)

3.20.150 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances shall not be affected.

(Ord. 1407 § 1(Att.), 2014)

3.20.170 Payrolls and wage claims.

Notwithstanding the foregoing, payroll warrants may be issued and wage claims paid as provided in Chapter [3.12](#).

(Ord. 1407 § 1(Att.), 2014)

Chapter 3.24 AD VALOREM TAXES

Sections:

3.24.010 Determination.

3.24.020 Certified.

3.24.010 Determination.

On the first Monday in October of each year the mayor shall provide the council with current information on estimates of revenues from all sources as adopted in the budget for the current year, together with estimates submitted by the clerk under Ch. 95, Sec. 5, Law of 1969, First Ex. Sess., as codified at RCW [35.33.051](#). On the same day at eight p.m. the council and the mayor shall meet and consider the city's total anticipated financial requirements for the ensuing fiscal year, and the council shall determine and fix by ordinance the amount to be raised by ad valorem taxes.

(Ord. 633 § 1, 1969)

3.24.020 Certified.

Upon adoption of the ordinance the clerk shall certify the same to the board of county commissioners as required by RCW [84.52.020](#).

(Ord. 633 § 2, 1969)

Chapter 3.26 GAMBLING AND TAXATION THEREOF

Sections:

- 3.26.010 Permitted generally.**
- 3.26.020 License – Filing with the chief of police.**
- 3.26.030 Tax – Required generally.**
- 3.26.040 Tax – Levy – Bingo, raffles, punchboards, pull tabs and amusement games.**
- 3.26.050 Tax – Levy – Social card games.**
- 3.26.060 Tax – Payment – Reports.**
- 3.26.070 Use of revenue.**
- 3.26.080 Ordinance copy to State Gambling Commission.**
- 3.26.090 Lien.**
- 3.26.100 Violation – Penalty.**
- 3.26.110 Annual review.**

3.26.010 Permitted generally.

Upon the effective date of the ordinance codified in this chapter, all gambling activities permitted by the Cle Elum Municipal Code, to the extent authorized under the laws of the state, and particularly Substitute House Bill No. 711, Chapter 218, Laws of 1973 (43rd Leg. First Ex. Sess.) and any amendments thereto, shall be subject to the provisions contained herein and further subject to any licensing requirements and regulatory requirements of the state.

(Ord. 1200 § 1, 2003)

3.26.020 License – Filing with the chief of police.

Any person, association or organization, required to obtain a license for gambling under the laws of the state, which receives such a license, shall upon receipt thereof immediately file a copy thereof with the chief of police and shall thereafter promptly notify the chief of any change, suspension or action pertaining to such license.

(Ord. 1200 § 1, 2003)

3.26.030 Tax – Required generally.

Upon the effective date of the ordinance codified in this chapter, and unless as otherwise provided herein, any person, association or organization engaging in gambling activities pursuant to a state license and as authorized under the laws of the state shall be subject to a city tax thereon, as set out further in this chapter.

(Ord. 1200 § 1, 2003)

3.26.040 Tax – Levy – Bingo, raffles, punchboards, pull tabs and amusement games.

A. There shall be no city tax levied upon bingo, raffles and amusement games.

B. There shall be a city tax levied quarterly upon punchboards and pull tabs for commercial stimulant operators of three percent of the quarterly win, calculated as gross receipts from punchboard and pull tab sales less the amount awarded as cash or merchandise prizes. There shall be no city tax levied upon punchboards and pull tabs for bona fide charitable or nonprofit organizations, as defined by Chapter 9.46 RCW of the laws of the state.

(Ord. 1200 § 1, 2003)

3.26.050 Tax – Levy – Social card games.

With respect to social card games, there shall be a city tax levied quarterly in the amount of three percent on the first three hundred thousand dollars of each quarterly win, calculated as gross receipts from social card games less the amount awarded as cash or merchandise prizes, and in an amount of five percent on all amounts exceeding three hundred thousand dollars of each quarterly win, calculated as gross receipts from social card games less the amount awarded as cash or merchandise prizes.

(Ord. 1200 § 1, 2003)

3.26.060 Tax – Payment – Reports.

The taxes called for as set forth in Cle Elum Municipal Code 3.26.040 and 3.26.050 shall be paid to the city treasurer quarterly upon the filing, with the Washington State Gambling Commission, of the required quarterly activity reports or any other any report of gambling monies received by a gambling license holder, and a duplicate copy of any such reports shall be filed simultaneously with the city treasurer along with the payment of the tax thereon.

(Ord. 1200 § 1, 2003)

3.26.070 Use of revenue.

Pursuant to RCW 9.46.113, the city shall use the revenue collected from the taxes levied on city-authorized gambling activities primarily for the purpose of enforcement of the provisions of this chapter by the city police department, such that the revenues shall first be used for policing of and gambling enforcement activities that the police department demonstrates by quantifiable evidence to be reasonably necessary. The balance of the revenue collected from the taxes levied on city-authorized gambling activities shall be used solely for parks in the city of Cle Elum.

(Ord. 1200 § 1, 2003)

3.26.080 Ordinance copy to State Gambling Commission.

Upon the effective date of the ordinance codified in this chapter, the city clerk shall mail a certified copy of the ordinance codified herein to the chairman of the State Gambling Commission.

(Ord. 1200 § 1, 2003)

3.26.090 Lien.

Taxes imposed under this chapter become a lien upon personal and real property used in the gambling activity in the same manner as provided for under RCW 84.60.010. The lien shall attach on the date the tax becomes due and shall relate back and have priority against real and personal property to the same extent as ad valorem taxes.

(Ord. 1200 § 1, 2003)

3.26.100 Violation – Penalty.

In addition to any liability for civil remedies in favor of the city for collection of any delinquent taxes under the provisions of this chapter, and in addition to any penalties that might be imposed by the state, a violation for the provisions of this chapter is a misdemeanor punishable in accordance with Cle Elum Municipal Code [5.02.220](#).

(Ord. 1200 § 1, 2003)

3.26.110 Annual review.

All taxes imposed hereunder shall be subject to review and revision by the Cle Elum city council on an annual basis.

(Ord. 1200 § 1, 2003)

Chapter 3.28

LEASEHOLD EXCISE TAX

Sections:

- 3.28.010 Levied.**
- 3.28.020 Rate.**
- 3.28.030 Exemption.**
- 3.28.040 Collection.**
- 3.28.050 Contract with state authorized.**

3.28.010 Levied.

There is levied and shall be collected a leasehold excise tax on and after January 1, 1976 upon the act or privilege of occupying or using publicly owned real or personal property within the territorial limits of the city, through a "leasehold interest" as defined by Section 2, Chapter 61, Laws of 1975-76, Second Extraordinary Session, codified at RCW [82.29A.020](#) (hereinafter referred to as "the state act"). The tax shall be paid, collected and remitted to the Department of Revenue of the state at the time and in the manner prescribed by Section 5 of the state act.

(Ord. 711 § 1, 1976)

3.28.020 Rate.

The rate of tax imposed by Section 3.28.010 shall be four percent of the taxable rent (as defined by Section 2 of the state act); provided, that the following credit shall be allowed in determining the tax payable:

A. With respect to a leasehold interest arising out of any lease or agreement, the terms of which were binding on the lessee prior to July 1, 1970, where such lease or agreement has not been renegotiated (as defined by Section 2 of the state act) since that date, and excluding from such credit any lease or agreement including options to renew which extends beyond January 1, 1985, as follows:

1. With respect to taxes due in calendar year 1976, a credit equal to eighty percent of the tax produced by the above rate;
2. With respect to taxes due in calendar year 1977, a credit equal to sixty percent of the tax produced by the above rate;
3. With respect to taxes due in calendar year 1978, a credit equal to forty percent of the tax produced by the above rate;
4. With respect to taxes due in calendar year 1979, a credit equal to twenty percent of the tax produced by the above rate.

B. With respect to a product lease (as defined by RCW 82.29A.050), a credit of thirty-three percent of the tax produced by the above rate.

(Ord. 711 § 2, 1976)

3.28.030 Exemption.

Leasehold interests exempted by the RCW 82.29A.130 as it now exists or may hereafter be amended shall be exempt from the tax imposed pursuant to Section 3.28.010.

(Ord. 711 § 4, 1976)

3.28.040 Collection.

The administration and collection of the tax imposed by this ordinance shall be in accordance with the provisions of the state act.

(Ord. 711 § 3, 1976)

3.28.050 Contract with state authorized.

The mayor of the city is authorized to execute a contract with the Department of Revenue of the state for the administration and collection of the tax imposed by Section [3.28.010](#); provided, that the city attorney shall first approve the form and content of the contract.

(Ord. 711 § 5, 1976)

Chapter 3.30

REGISTRATION SYSTEM FOR BONDS AND OBLIGATIONS

Sections:

- 3.30.010 Definitions.**
- 3.30.020 Findings.**
- 3.30.030 Adoption of registration system.**
- 3.30.040 Registration – Requirement and method.**
- 3.30.060 Registrar – Appointment, powers and duties.**
- 3.30.070 Statement of transfer restrictions.**

3.30.010 Definitions.

The following words shall have the following meanings when used in this chapter:

“Bond” or “bonds” shall have the meaning defined in RCW [39.46.020\(1\)](#), as the same may be from time to time amended.

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

“Fiscal Agencies” means the duly appointed fiscal agencies of the state of Washington serving as such at any given time.

“Obligation” or “obligations” shall have the meaning defined in RCW [39.46.020\(3\)](#), as the same from time to time may be amended.

“Registrar” means the person, persons or entity designated by the city to register ownership of bonds or obligations under this chapter or under an ordinance of the city authorizing the issuance of such bonds or obligations.

(Ord. 960 § 1, 1992)

3.30.020 Findings.

The city council of the city finds that it is in the city's best interest to establish a system of registering the ownership of the city's bonds and obligations in the manner permitted.

(Ord. 960 § 2, 1992)

3.30.030 Adoption of registration system.

The city adopts the system set out in this chapter of registering the ownership of its bonds and obligations.

(Ord. 960 § 3, 1992)

3.30.040 Registration – Requirement and method.

A. *Registration Requirement.* All bonds and obligations offered to the public, having a maturity of more than one year, on which the interest is intended to be excluded from gross income for federal income tax purposes, shall be registered as to both principal and interest as provided in this chapter.

B. *Method of Registration.* The registration of all city bonds and obligations required to be registered shall be carried out either by:

1. A book entry system of recording the ownership of the bond or obligation on the books of the registrar, whether or not a physical instrument is issued; or
2. Recording the ownership of the bond or obligation and requiring as a condition of the transfer of ownership of any bond or obligation the surrender of the old bond or obligation and either the reissuance of the old bond or obligation or the issuance of a new bond or obligation to the new owner.

C. *Transfer of Ownership.* No transfer of any bond or obligation subject to registration requirements shall be effective until the name of the new owner and the new owner's mailing address, together with such other information deemed appropriate by the registrar, shall be recorded on the books of the registrar.

(Ord. 960 § 3(a), (b), 1992)

3.30.060 Registrar – Appointment, powers and duties.

A. *Appointment.* Unless otherwise provided in the ordinance authorizing the issuance of registered bonds or obligations, the city treasurer shall be the registrar for all registered interest-bearing warrants, installment contracts, interest-bearing leases and other registered bonds or obligations not usually subject to trading without

a fixed maturity date or maturing one year or less after issuance, and the fiscal agencies shall be the registrar for all other city bonds and obligations without a fixed maturity date or maturing more than one year after issuance.

B. *Powers and Duties.*

1. The registrar shall serve as the city's authenticating trustee, transfer agent, registrar and paying agent for all registered bonds and obligations for which he, she or it serves as registrar, and shall comply fully with all applicable federal and state laws and regulations respecting the carrying out of those duties.
2. The rights, duties, responsibilities and compensation of the registrar shall be prescribed in each ordinance authorizing the issuance of the bonds or obligations, which rights, duties, responsibilities and compensation shall be embodied in a contract executed by the city treasurer and the registrar, except that:
 - a. When the fiscal agencies serve as registrar, the city adopts by reference the contract between the State Finance Committee of Washington and the fiscal agencies in lieu of executing a separate contract and prescribing by ordinance the rights, duties, obligations and compensation of the registrar; and
 - b. When the city treasurer serves as registrar, a separate contract shall not be required.
3. In all cases when the registrar is not the fiscal agencies and the bonds or obligations are assignable, the ordinance authorizing the issuance of the registered bonds or obligations shall specify the terms and conditions of:
 - a. Making payments of principal and interest;
 - b. Printing any physical instruments, including the use of identifying numbers or other designation;
 - c. Specifying record and payment dates;
 - d. Determining denominations;
 - e. Establishing the manner of communicating with the owners of the bonds or obligations;
 - f. Establishing the methods of receipting for the physical instruments for payment of principal, the destruction of such instruments, and the certification of such destruction;
 - g. Registering or releasing security interest, if any; and
 - h. Such other matters pertaining to the registration of the bonds or obligations authorized by such ordinance as the city may deem to be necessary or appropriate.

(Ord. 960 § 3(d), (e), 1992)

3.30.070 Statement of transfer restrictions.

Any physical instrument issued or executed by the city subject to registration under this chapter shall state on its face that the principal of and interest on the bonds or obligations shall be paid only to the owner thereof registered as such on the books of the registrar as of the record date defined in the instrument and to no other person, and that such instrument, either principal or interest, may not be assigned except on the books of the registrar.

(Ord. 960 § 4, 1992)

Chapter 3.32 LOCAL IMPROVEMENTS

Sections:

3.32.010 Special assessments.

3.32.020 Delinquent penalty.

3.32.010 Special assessments.

All special assessments to pay the cost and expense of any local improvement authorized by the city shall be paid to the treasurer of the city on or before thirty days from the date of the first publication of a certified copy of the assessment roll by the city treasurer.

(Ord. 192 § 1, 1919)

3.32.020 Delinquent penalty.

If the assessments are not paid within said time, they shall become delinquent and shall bear interest at the rate of eight percent per annum, and in addition thereto shall bear five percent penalty, and both interest and penalty shall be included in, and shall be a part of the assessment lien.

(Ord. 192 § 2, 1919)

Chapter 3.34 PROCUREMENT

Sections:

3.34.010 Procurement policy and federal award standards.**3.34.010 Procurement policy and federal award standards.**

The city council hereby adopts the “City of Cle Elum Procurement Policy and Federal Award Standards” attached hereto as [Exhibit A](#) and incorporated herein by this reference.

(Res. 2023-022 § 1, 2023)

Chapter 3.36

ANTIRECESSION FISCAL ASSISTANCE FUND

Sections:

- 3.36.010 Created.**
- 3.36.020 Purposes.**
- 3.36.030 Uses.**
- 3.36.040 Time limitation.**

3.36.010 Created.

There is created a special fund entitled “antirecession fiscal assistance fund” into which shall be paid all federal funds received under Title II of the Public Works Employment Act of 1976 and any amendments thereto.

(Ord. 720 § 1, 1977)

3.36.020 Purposes.

This fund is established to account for all federal funds received under the abovesaid act, in accordance with federal regulations and regulations imposed by the state pertaining thereto. The receipt of Title II money will be entered in Account No. 332.98 and must be expended from the fund into which it was originally received. The only transfers allowed are to the payroll fund and the claims fund.

(Ord. 720 § 2, 1977)

3.36.030 Uses.

Expenditures from this fund shall be used to maintain basic services which have been provided to residents by the city. Payments shall be used for the maintenance of levels of public employment and of basic services within the following governmental expenditure categories: education, highways, public welfare, health and hospitals, police and corrections, fire protection, sewerage and sanitation, natural resources, housing and urban renewal, transportation, libraries, financial administration, general administration, general public buildings, interest on general debt and parks and recreation. Payments may not be used to initiate basic services not previously provided during the immediately preceding two fiscal years of the city. Said funds may be used for the acquisition of supplies and materials only to the extent that such expenditures are incidental and necessary to the continued rendition of a basic service. Any expenditures for construction shall be limited to structural repairs or renovations and shall be permissible only when necessary for the maintenance of a basic service. Any interest earned on the investment of Title II funds shall be used for the same purpose as Title II funds.

(Ord. 720 § 3, 1977)

3.36.040 Time limitation.

The abovesaid Title II funds must be appropriated or obligated within six months of receipt thereof by the city.

(Ord. 720 § 4, 1977)

Chapter 3.40

ARTERIAL STREET FUND

Sections:

3.40.010 Created.

3.40.020 Use.

3.40.010 Created.

There is created for the city a separate fund to be known as the "arterial street fund." Into this fund shall be paid the proceeds of the one-half cent of additional tax received by the city under the provisions of RCW [82.36.020](#), together with the twenty-five percent matching funds to be paid by the city under the statute.

(Ord. 573 § 1, 1961)

3.40.020 Use.

The moneys in this fund shall be used exclusively for the construction, improvement and repair of arterial highways in the city as defined in RCW [46.04.030](#), and in accordance with the procedures established from time to time by the Washington State Director of Highways and the Division of Municipal Corporations and the comprehensive street program to be adopted and from time to time revised under Section 2 of Chapter 195, Laws of the State, 1961 Regular Session, as codified at RCW [35.77.010](#).

(Ord. 573 § 2, 1961)

Chapter 3.44

CARPENTER MEMORIAL LIBRARY CONSTRUCTION FUND

Sections:

3.44.010 Created – Sources.

3.44.020 Purposes.

3.44.030 Uses.

3.44.010 Created – Sources.

There is created a special fund entitled "Carpenter Memorial Library construction fund" into which shall be paid all funds received by the city from the U.S. Department of Commerce Economic Development Administration pursuant to a grant by the Economic Development Administration.

(Ord. 721 § 1, 1977)

3.44.020 Purposes.

This fund is established to account for all federal funds received from the Economic Development Administration in accordance with regulations imposed by the Economic Development Administration.

(Ord. 721 § 2, 1977)

3.44.030 Uses.

Expenditures from this fund shall be used solely for constructing and equipping Carpenter Memorial Library pursuant to Economic Development Administration Project No. 07-51-04503.

(Ord. 721 § 3, 1977)

Chapter 3.48

FEDERAL SHARED REVENUE FUND

Sections:

- 3.48.010 Created – Sources.**
- 3.48.020 Purpose.**
- 3.48.030 Type of expenditures.**
- 3.48.040 Method of expenditures.**
- 3.48.050 Prohibited use.**
- 3.48.060 Time limitation.**

3.48.010 Created – Sources.

There is created a separate, special fund entitled “federal shared revenue fund” into which shall be paid all federal shared revenues received under Title I of the State and Local Fiscal Assistance Act of 1972, and any amendments thereto.

(Ord. 666 § 1, 1972)

3.48.020 Purpose.

This fund is established to account for all entitlements (federal shared revenues) received under the act, in accordance with federal regulations and state regulations pertaining thereto. At its inception, pending further regulations, the fund shall be identified by fund code 199, all receipts shall be credited to Revenue Account 332.99 “Federal Entitlements – Federal Shared Revenue,” and all expenditures shall be classified in the 500 series of accounts as prescribed in the Budgeting, Accounting and Reporting (BARS) Manual.

(Ord. 666 § 2, 1972)

3.48.030 Type of expenditures.

Expenditures from this fund shall be made only for expenditures of a priority nature as now and hereafter defined in the federal act, presently defined as:

- A. Ordinary and necessary maintenance and operating expenses for:

1. Public safety (including law enforcement, fire protection and building code enforcement),
2. Environmental protection (including sewage disposal, sanitation, and pollution abatement),
3. Public transportation (including transit systems and streets and roads),
4. Health,
5. Recreation,
6. Libraries,
7. Social services for the poor or aged,
8. Financial administration; and

B. Ordinary and necessary capital expenditures authorized by law.

(Ord. 666 § 3, 1972)

3.48.040 Method of expenditures.

Expenditures from this fund shall be made only by ordinance appropriating a specific amount of money within the fund for a designated purpose and authorizing the transfer of that amount of money to another specified city fund for appropriation therein and expenditure therefrom. Appropriations must be provided for the expenditure of these funds in the same manner as for the expenditure of funds from other sources.

(Ord. 666 § 4, 1972)

3.48.050 Prohibited use.

The shared revenue moneys shall not be employed for matching purposes in connection with the securing of other federal money.

(Ord. 666 § 5, 1972)

3.48.060 Time limitation.

These moneys must be expended within twenty-four months from the date of each check unless permission for an extension of time is approved by the U.S. Treasury Department.

(Ord. 666 § 6, 1972)

Chapter 3.52

FIRE DEPARTMENT AUTOMOTIVE APPARATUS CUMULATIVE RESERVE ACCOUNT WITHIN THE GENERAL FUND

Sections:

3.52.010 **Created.**

3.52.020 **Use.**

3.52.010 Created.

There is created for the city a separate reserve account within the general fund which shall be entitled "fire department automotive apparatus cumulative reserve account within the general fund."

(Ord. 1501 § 2, 2018; Ord. 1175 § 2, 2002; Ord. 1032, 1995; Ord. 576 § 1, 1962)

3.52.020 Use.

The moneys in this reserve account within the general fund shall be used exclusively for the purchase of fire department automotive apparatus for use by the city fire department, and shall be expended only upon order of the city council.

(Ord. 1501 § 3, 2018; Ord. 1175 § 3, 2002; Ord. 576 § 2, 1962)

Chapter 3.56

LIBRARY RESERVE ACCOUNT WITHIN THE GENERAL FUND

Sections:

3.56.010 **Created.**

3.56.020 **Use.**

3.56.010 Created.

There is created for the city a separate fund to be known as the "library reserve account within the general fund," into which there shall be paid all moneys received from donations, appropriations, taxation and all other sources which are dedicated or designated for city library purposes.

(Ord. 1496 § 2, 2018; Ord. 587 § 1, 1963)

3.56.020 Use.

The moneys in the fund shall be used exclusively for city library purposes.

(Ord. 587 § 2, 1963)

Chapter 3.60

SEWAGE DISPOSAL PLANT CUMULATIVE RESERVE FUND

Sections:

3.60.010 Created.

3.60.020 Use.

3.60.010 Created.

There is created for the city a separate fund to be known as "cumulative reserve fund for sewage disposal plant." Into this fund there shall be paid, pursuant to the 1953 budget, the sum of five thousand dollars from surplus moneys in the current fund. Thereafter there shall be paid into the fund annually, if budgeted annually, the sum of five thousand dollars from any available surplus moneys in the current fund, it being the purpose of this chapter to provide a definite financing arrangement whereby the city may acquire a sewage disposal plant. If in any particular year after 1953 there shall be available a sum greater or lesser than five thousand dollars, then the city council shall, bearing in mind the purpose of this chapter, budget such greater or lesser sums as may be available for payment into this fund.

(Ord. 485 § 1, 1952)

3.60.020 Use.

The moneys in this fund shall be used exclusively to obtain for the city a sewage disposal plant, and shall be expended only upon order of the city council. This fund is declared to be a cumulative reserve fund in accordance with RCW [35.21.070](#) and [35.21.080](#).

(Ord. 485 § 2, 1952)

Chapter 3.64

SWIMMING POOL MAINTENANCE AND OPERATION FUND

Sections:

3.64.010 **Established – Revenues.**

3.64.020 **Purpose.**

3.64.030 **Use of expenditures.**

Prior legislation: Ord. 561.

3.64.010 Established – Revenues.

There is created a special fund, the “swimming pool maintenance and operation fund,” into which shall be paid all funds received by the city from private individuals and any or all governmental entities designated to be used for refurbishing, maintaining and operating the Cle Elum Swimming Pool.

(Ord. 802 § 1, 1983)

3.64.020 Purpose.

This fund is established to account for all funds received, which funds are intended to be used for the refurbishing, maintenance and operation of the swimming pool.

(Ord. 802 § 2, 1983)

3.64.030 Use of expenditures.

Expenditures from this fund shall be used solely for refurbishing, maintaining and operating the swimming pool owned by the city.

(Ord. 802 § 3, 1983)

Chapter 3.66

SALES AND USE TAX

Sections:

3.66.010

Sales and use tax authorized by RCW 82.14.030(1) as amended by Section 17, Chapter 49, Laws of 1982 (First Extraordinary Session).

3.66.020 Sales and use tax authorized by RCW 82.14.030(2) as enacted by Section 17, Chapter 49, Laws of 1982 (First Extraordinary Session).

3.66.010 Sales and use tax authorized by RCW 82.14.030(1) as amended by Section 17, Chapter 49, Laws of 1982 (First Extraordinary Session).

A. *Imposition.* There is imposed a sales or use tax, as the case may be, upon every taxable event, as defined in Section 3, Chapter 94, Laws of 1970 (First Extraordinary Session) occurring within the city. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to RCW Chapters [82.08](#) and [82.12](#).

B. *Tax Rate.* The rate of tax imposed by this section shall be one-half of one percent of the selling price or value of the article used, as the case may be; provided, however, that during such period as there is in effect a sales or use tax imposed by Kittitas County, the rate of tax imposed by this chapter shall be four hundred twenty-five one-thousandths of one percent.

(Ord. 796 § 1, 1983)

3.66.020 Sales and use tax authorized by RCW 82.14.030(2) as enacted by Section 17, Chapter 49, Laws of 1982 (First Extraordinary Session).

A. *Imposition.* In addition to the tax imposed by Section [3.66.010](#), there is imposed a separate sales or use tax, as the case may be, upon the same taxable events upon which the tax imposed under Section [3.66.010](#) is levied, and as specifically authorized by Section 17, Chapter 49, Laws of 1982 (First Extraordinary Session).

B. The rate of tax imposed by this section, which shall be in addition to the rate of the tax imposed by Section [3.66.010](#), shall be one-half of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax); provided, however, that in the event Kittitas County imposes a sales and use tax under this section at a rate equal to or greater than the rate imposed under this section, the county shall receive fifteen percent of the city tax; provided further, that in the event that Kittitas County imposes a sales and use tax under this section at a rate which is less than the rate imposed under this section, the county shall receive that amount of revenues from the city tax equal to fifteen percent of the rate of tax imposed by the county.

(Ord. 796 § 2, 1983)

Chapter 3.68

ROOM TAX

Sections:

- 3.68.010 Room tax – Imposition.**
- 3.68.020 Definitions.**
- 3.68.030 Administration and collection.**
- 3.68.040 Tourist support fund – Created – Expenditures.**

3.68.010 Room tax – Imposition.

Commencing April 1, 2014, for the purposes set forth in RCW [67.28.181](#) and RCW [67.28.210](#) there is hereby imposed and levied a special excise tax of a total of four percent on the sale or charge made for the furnishing of lodging by a hotel, roominghouse, tourist court, motel, trailer camp, and granting of similar license to use real property, as distinguished from renting or leasing of real property in the city; provided that it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property, and not a mere license to use or enjoy the same.

(Ord. 1399 § 1, 2013; Ord. 1143 § 1, 2001; Ord. 770 § 1(a), 1981)

3.68.020 Definitions.

The definition of “selling price,” “seller,” “buyer,” “consumer” and all other definitions as are now contained in RCW [82.08.010](#) and subsequent amendments thereto, are adopted as the definitions for the tax levied in this chapter.

(Ord. 770 § 1(b), 1981)

3.68.030 Administration and collection.

For the purposes of the tax levied in this chapter:

- A. The Department of Revenue of the state is designated as the agent of the city for the purpose of collection and administration.
- B. The administrative provisions contained in RCW [82.08.050](#) through [82.08.070](#) and RCW Chapter [82.32](#) shall apply with respect to administration and collection by the Department of Revenue.
- C. All rules and regulations adopted by the Department of Revenue for the administration of RCW Chapter [82.08](#) are adopted.

D. The Department of Revenue is empowered, on behalf of the city, to prescribe such special forms and reporting procedures as the Department of Revenue may deem necessary.

(Ord. 770 § 1(c), 1981)

3.68.040 Tourist support fund – Created – Expenditures.

- A. *Fund Created.* There is hereby created a special fund to be known as the “tourist support fund.”
- B. All proceeds of the special excise tax imposed by this chapter shall be deposited in the tourist support fund, together with funds from other sources as may be determined from time to time by the city council.
- C. *Purpose – Expenditure.* All of the revenues from the fund created in this chapter shall be used for the purpose of paying all or any part of the acquisition, construction or operation of tourist oriented facilities within the city, or for advertising, publicizing or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion.

(Ord. 895 § 1, 1989; Ord. 834 § 1, 1984; Ord. 770 § 1(d), 1981)

Chapter 3.70

ADMISSIONS AND ENTERTAINMENT TAX

Sections:

- 3.70.010 Admission charge – Definitions.**
- 3.70.020 Admissions tax – Levied.**
- 3.70.030 Determinations of amount.**
- 3.70.040 Collection – Remittance to treasurer.**
- 3.70.050 Application and reporting.**
- 3.70.060 Violations.**

3.70.010 Admission charge – Definitions.

- A. “Admission charge,” in addition to its usual meaning, shall include but not be limited to the following:
1. A charge made for season tickets or subscriptions;
 2. A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;

3. A charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided;
 4. A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;
 5. Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.
- B. "Nonprofit organization" means any organization organized and operated for charitable, education or other purposes, which is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1954, as amended.
- C. "Place" means and includes, but is not restricted to theaters, dancehalls, amphitheaters, auditoriums, stadiums, athletic pavilions and fields, baseball and athletic parks, circuses, side shows, swimming pools, outdoor amusement parks, carnivals, fairs, rodeos, concerts, mountain recreation areas, snow recreation areas, bowling alleys, and golf courses.
- D. *Exemptions.*
1. For purposes of greater ease and economy in the administration, collection and enforcement of the admissions tax, certain participatory athletic or sporting events are exempted from this ordinance. This exemption shall apply to participants or customers of archery ranges, batting cages, billiards, shuffleboard, darts, gun clubs, softball, campgrounds, guest ranches, dogsled races, snowmobile races, ski rentals, ski equipment rentals, snow recreation equipment rentals and swimming. This exemption shall not apply to bowling or golf. This exemption shall also not apply to spectators at athletic or sporting events who pay an admissions charge, except as provided in subsection D.2., below.
 2. The admissions tax imposed by this ordinance shall not apply to a nonprofit organization, or to any person paying an admission to any event sponsored or conducted by an "elementary" or "secondary" school. For purposes of this ordinance "elementary" or "secondary" school means a public or private school enrolling students in grades kindergarten through twelve.

(Ord. 1448 § 1, 2016; Ord. 1447 § 1, 2016)

3.70.020 Admissions tax – Levied.

There is hereby levied a five percent tax on admissions for entertainment purposes in the City of Cle Elum. Such tax is to continue indefinitely or until amended or repealed by the city council.

(Ord. 1448 § 1, 2016; Ord. 1447 § 1, 2016)

3.70.030 Determinations of amount.

A. *Amount.* The tax here imposed shall be in the amount of five percent on each admission or entertainment charge.

B. *Signs Posted.* Whenever a charge is made for admission to any place, a sign shall be posted in a conspicuous place on the entrance or ticket office stating that a five percent city admission tax is included in the admission charge.

(Ord. 1448 § 1, 2016; Ord. 1447 § 1, 2016)

3.70.040 Collection – Remittance to treasurer.

A. The tax imposed hereunder shall be collected from the person paying the admission charge at the time the admission charge is paid, and such taxes shall be remitted by the person collecting the tax to the treasurer in monthly remittances on or before the last day of the month succeeding the end of the monthly period in which the tax is collected or received, and accompanied by such reports as the treasurer shall require.

B. Any person receiving any payment for admissions shall make out a return upon such forms and setting forth such information as the treasurer may require, showing the amount of the tax upon admissions for which he is liable for the preceding monthly period, and shall sign and transmit the same to the treasurer with a remittance for the amount; provided, that the treasurer may at his discretion require verified annual returns from any person receiving admission payments setting forth such additional information as he may deem necessary to determine correctly the amount of tax collected and payable.

C. If the return provided for herein is not made and transmitted and the tax is not collected and remitted to the city by the last day of the month succeeding the end of the month in which the tax was collected, the treasurer shall add a penalty of ten percent of the tax per month or fraction thereof for each month overdue, which shall be added to the amount of the tax due, and remitted in the same manner.

D. Whenever any theater, circus, show, exhibition, entertainment or amusement makes an admission charge which is subject to the tax herein levied, and the same is of a temporary or transitory nature or there exists a reasonable question of financial responsibility, of which the treasurer shall be the judge, the report and remittance of the admission tax may be required immediately upon the collection of the same, at the conclusion of the performance or exhibition, or at the conclusion of the series of performances or exhibitions.

E. Every person liable for the collection and payment of the tax imposed by this chapter shall keep and preserve for a period of five years all unused tickets, ticket manifests, books and all other records from which can be determined the amount of admission tax which he was liable to remit under the provisions of this chapter, and all such tickets, books and records shall be open for examination and audit at all reasonable times by the treasurer or his duly authorized agent.

(Ord. 1448 § 1, 2016; Ord. 1447 § 1, 2016)

3.70.050 Application and reporting.

- A. Any person conducting or operating any place for entrance to which an admission charge is made shall procure from the city an annual certificate of registration, the fee for which shall be thirty-five dollars, and it shall be posted in a conspicuous place where tickets of admission are sold or the activity occurs. Annual renewals will be provided without a fee.
- B. The applicant for a certificate of registration shall furnish the treasurer with the application, with the name and address of the owner, lessee or the custodian of the premises upon which the amusement is to be conducted; and such owner, lessee or custodian shall be notified of the issuance of such certificate and of his joint liability for collection and remittance of such tax.
- C. The treasurer shall have the power to adopt rules and regulations not inconsistent with the terms of this chapter for carrying out and enforcing the payment, collection and remittance of the tax herein levied; and a copy of the rules and regulations shall be on file and available for public examination in the city clerk's office.

(Ord. 1448 § 1, 2016; Ord. 1447 § 1, 2016)

3.70.060 Violations.

- A. *Violation a Misdemeanor.* Each violation of or failure to comply with the provisions of this chapter constitutes a separate offense and is a misdemeanor.
- B. *Collection of Tax by Civil Action.* Any fee or tax due and unpaid and delinquent under the provisions of this chapter and all penalties thereon, may be collected by civil action, which remedies shall be in addition to any and all other existing remedies.
- C. *Violators Designated.* Any person who directly or indirectly performs or omits to perform any act in violation of the provisions of this chapter, or aids or abets the same, whether present or absent, and every person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit such violation is and shall be a principal under the terms of this chapter and may be proceeded against as such.

(Ord. 1448 § 1, 2016; Ord. 1447 § 1, 2016)

Chapter 3.72

WATER AND SEWER UTILITY TAX

Sections:

- 3.72.010 Imposed.**
- 3.72.020 Collection.**
- 3.72.030 Disposition and expenditure of funds.**

3.72.010 Imposed.

There is hereby imposed upon any firm, person or corporation connected to or using the water and sewer utilities of the city of Cle Elum a utility tax which shall be six percent of the monthly bill of any person, firm or corporation connected to or utilizing the water and/or sewer utility systems of the city of Cle Elum.

(Ord. 1203 § 1, 2003; Ord. 847 § 1, 1986)

3.72.020 Collection.

The city clerk of the city of Cle Elum is hereby authorized and directed to bill and collect utility tax hereinabove set forth for the period commencing with the month of December, 2003 and each month thereafter.

(Ord. 1203 § 2, 2003; Ord. 847 § 2, 1986)

3.72.030 Disposition and expenditure of funds.

The funds generated by this utility tax shall be deposited to and expended from the funds under the city of Cle Elum budget heading "Current Fund."

(Ord. 1203 § 3, 2003; Ord. 847 § 3, 1986)

Chapter 3.76

REAL ESTATE EXCISE TAX

Sections:

- 3.76.010 Imposed – Rate.**
- 3.76.015 Imposition of additional one-quarter of one percent real estate excise tax.**
- 3.76.020 Collection.**
- 3.76.030 Compliance with state law.**
- 3.76.040 Use of proceeds.**

3.76.010 Imposed – Rate.

Pursuant to authority granted to cities of the state pursuant to RCW [82.46.010](#) there is imposed an excise tax on the sale of real property within the corporate limits of the city, at a rate equal to one-quarter of one percent of the selling price of the property.

(Ord. 1630 § 1 (Exh. A), 2022; Ord. 851 § 1, 1986)

3.76.015 Imposition of additional one-quarter of one percent real estate excise tax.

There is hereby imposed an excise tax of one-quarter of one percent of the selling price on each sale of real property within the corporate limits of the city, as authorized by RCW [82.46.035](#). This excise tax is in addition to the one-quarter of one percent excise tax imposed by CEMC Section [3.76.010](#). Proceeds from this additional tax shall be deposited in a separate account in the municipal capital improvement fund and expended as authorized by law under RCW [82.46.035](#).

(Ord. 1630 § 1 (Exh. A), 2022)

3.76.020 Collection.

The tax imposed under CEMC Sections [3.76.010](#) and [3.76.015](#) shall be collected from persons who are taxable by the state under Chapter [82.45](#) RCW upon the occurrence of any taxable event within the city.

(Ord. 1630 § 1 (Exh. A), 2022; Ord. 851 § 2, 1986)

3.76.030 Compliance with state law.

The tax imposed under CEMC Sections [3.76.010](#) and [3.76.015](#) shall comply with all applicable rules, regulations, law and court decisions regarding real excise taxes imposed by the state under Chapter [82.45](#) RCW.

(Ord. 1630 § 1 (Exh. A), 2022; Ord. 851 § 3, 1986)

3.76.040 Use of proceeds.

The distribution of the proceeds of the tax imposed in CEMC Sections [3.76.010](#) and [3.76.015](#) shall be in accordance with RCW [82.46.030](#). Upon receipt from the Kittitas County treasurer of the city's share of the tax imposed in CEMC Section [3.76.010](#), the city treasurer shall deposit the receipted funds into the capital improvement fund of the city.

(Ord. 1630 § 1 (Exh. A), 2022; Ord. 851 § 4, 1986)

Chapter 3.78

POLICE DEPARTMENT SUBSTANCE ABUSE PREVENTION FUND

Sections:

3.78.010 Fund created.

3.78.010 Fund created.

It is created within the current fund a separate fund to be known as the “police department’s substance abuse prevention fund.” Moneys deposited in this fund shall be used exclusively to purchase public education items, produce brochures, facilitate officer training and investigations of substance abuse and alcohol related offenses.

(Ord. 896 § 5, 1989)

Chapter 3.80

ATHLETIC FIELD REHABILITATION FUND

Sections:

3.80.010 Created – Source.

3.80.020 Purpose.

3.80.030 Uses.

3.80.010 Created – Source.

There is created a special fund designated the “athletic field rehabilitation fund” in which shall be paid funds received by the city from private individuals and any or all governmental entities including the city designated to be used for improving and refurbishing the athletic fields owned by the city.

(Ord. 874 § 1, 1987)

3.80.020 Purpose.

This fund is established to account for all funds received, which funds are intended to be used for improvement and refurbishment of the athletic fields owned by the city.

(Ord. 874 § 2, 1987)

3.80.030 Uses.

Expenditures from this fund shall be used solely for improving and refurbishing the athletic fields within the city.

(Ord. 874 § 3, 1987)

Chapter 3.88

CLAIMS/PAYROLL CLEARING FUND

Sections:

3.88.010 Claims/payroll clearing fund created.

3.88.020 Transfer of funds.

3.88.030 Issuance of warrants.

3.88.010 Claims/payroll clearing fund created.

There is created a fund, known and designated as the “claims/payroll clearing fund,” into which shall be paid and transferred from the various departments an amount of money equal to the various claims against the city for any purpose.

(Ord. 898 § 1, 1989)

3.88.020 Transfer of funds.

Whenever it is deemed necessary, the city treasurer is authorized, empowered and directed to transfer from the funds of the various departments to the claims/payroll clearing fund sufficient moneys to pay the claims against the various departments of the city.

(Ord. 898 § 2, 1989)

3.88.030 Issuance of warrants.

The city clerk is authorized, empowered and directed to issue warrants on and against the fund in payment of salaries, wages, materials furnished, services rendered or expenses or liabilities incurred by the various departments and offices of the city. The warrant shall be issued only after there has been filed with the city clerk proper vouchers, approved by the city council, stating the nature of the claim/payroll, the amount due or owing and the person, firm or corporation, entitled thereto. All warrants issued on or against the fund shall be solely and

only for the purposes set forth in this chapter and shall be payable only out of and from the fund. Each warrant issued under the provisions of this section shall have in its face the words: "Claims/Payroll Clearing Fund."

(Ord. 898 § 3, 1989)

Chapter 3.90

CUMULATIVE RESERVE ACCOUNT WITHIN THE GENERAL FUND FOR THE PURCHASE OF POLICE VEHICLES AND VEHICLE EQUIPMENT

Sections:

- 3.90.010 Cumulative reserve account within the general fund for purchase of police vehicles – Created.**
- 3.90.020 Deposit of moneys into cumulative reserve account within general fund.**
- 3.90.030 Accumulation of moneys in cumulative reserve account within general fund – Maximum amount.**

3.90.010 Cumulative reserve account within the general fund for purchase of police vehicles – Created.

There is created for the city a separate police vehicle cumulative reserve account within the general fund which shall be entitled "cumulative reserve account within the general fund for the purchase of police vehicles and vehicle equipment."

(Ord. 1498 § 2, 2018; Ord. 1003 § 1, 1994)

3.90.020 Deposit of moneys into cumulative reserve account within general fund.

Twenty percent of all moneys received as the city's share of Cle Elum police/municipal court fines shall be deposited into the cumulative reserve account within the general fund on an ongoing basis effective May 1, 1994.

(Ord. 1498 § 3, 2018; Ord. 1003 § 2, 1994)

3.90.030 Accumulation of moneys in cumulative reserve account within general fund – Maximum amount.

The moneys in the cumulative reserve account within the general fund shall be allowed to accumulate and be used for the purpose from year to year until the account is terminated by appropriate ordinance of the city.

(Ord. 1498 § 4, 2018; Ord. 1003 § 3, 1994)

Chapter 3.92 WATER REHABILITATION FUND

Sections:

3.92.010 Fund created – Sources.

3.92.020 Purposes.

3.92.030 Uses.

3.92.010 Fund created – Sources.

There is created a fund to be known as the “Water Rehabilitation Fund” into which shall be paid all funds received by the city from the state of Washington Public Works Trust Fund and any other funds appropriately designated by the city.

(Ord. 919 § 1, 1990)

3.92.020 Purposes.

This fund is established to account for all funds received which are intended to be used for rehabilitation and refurbishment of the city water system.

(Ord. 919 § 2, 1990)

3.92.030 Uses.

Expenditures from this fund shall be used solely for rehabilitation and refurbishing the city water system.

(Ord. 919 § 3, 1990)

Chapter 3.94

WATER/SEWER RESERVE FUNDS

Sections:

3.94.010 Fund created – Sources – Purpose – Uses.

3.94.010 Fund created – Sources – Purpose – Uses.

A. *Sources.* There are created two funds to be known as the “water reserve fund” and the “sewer reserve fund” into which shall be paid a monthly charge as fixed by resolution of the city council for every water utility account, paid in addition to the rates and charges identified in CEMC Section [13.12.100](#) or as fixed by resolution of the city council, and a sewer reserve charge in an amount identified in CEMC Section [13.08.370\(F\)](#).

B. *Purposes.* These funds are established to account for funds which are intended to be used for water or sewer improvements.

C. *Uses.* Expenditures from these funds shall be used solely for improvements to the water or sewer system of the city.

D. *Classified.* The funds so established by this chapter shall be designated as follows:

1. The water reserve fund shall be classified as 406 in the city’s governmental accounting system.
2. The sewer reserve fund shall be classified as 413 in the city’s governmental accounting system.

(Ord. 1488 § 1, 2018; Ord. 1291 § 1, 2008; Ord. 1204 § 7, 2003; Ord. 1019 § 2, 1995; Ord. 1004 § 1, 1994)

Chapter 3.98

FIREMAN PARK IMPROVEMENT RESERVE ACCOUNT WITHIN THE GENERAL FUND

Sections:

3.98.010 Reserve account within the general fund created – Sources.

3.98.020 Purposes.

3.98.030 Uses.

3.98.010 Reserve account within the general fund created – Sources.

There is created a reserve account within the general fund to be known as the “Fireman Park improvement reserve account within the general fund” into which shall be paid all funds received by the city from any source, designated for improvement of Fireman Park.

(Ord. 1499 § 2, 2018; Ord. 990 § 1, 1993)

3.98.020 Purposes.

This reserve account within the general fund is established to account for all funds received which are intended to be used for improvement of Fireman Park.

(Ord. 1499 § 3, 2018; Ord. 990 § 2, 1993)

3.98.030 Uses.

Expenditures from this reserve account within the general fund shall be used solely for improvement of Fireman Park.

(Ord. 1499 § 4, 2018; Ord. 990 § 3, 1993)

Chapter 3.100

COAL MINE TRAIL FUND

Sections:

3.100.010 Fund created – Sources.

3.100.020 Purposes.

3.100.030 Uses.

3.100.010 Fund created – Sources.

There is created a fund to be known as the Coal Mine Trail fund into which shall be paid all funds received by the city from any source, designated for the maintenance and operation of the Coal Mine Trail.

(Ord. 1043 § 1, 1996)

3.100.020 Purposes.

This fund is established to account for all funds received which are intended to be used for maintenance and operation of the Coal Mine Trail.

(Ord. 1043 § 2, 1996)

3.100.030 Uses.

Expenditures from this fund shall be used solely for maintenance and operation of the Coal Mine Trail.

(Ord. 1043 § 3, 1996)

Chapter 3.102 DRUG ENFORCEMENT FUND

Sections:

3.102.010 Created – Maintenance – Authority to accept gifts.

3.102.020 Purpose of fund.

3.102.030 Unexpended funds.

3.102.010 Created – Maintenance – Authority to accept gifts.

A. A police fund for purposes of drug related enforcement and the disposition of seized and forfeited moneys, negotiable instruments, securities, property (real or personal), conveyances, and any and all tangible or intangible property of any kind whatsoever is created and shall be known as the “drug enforcement fund.” All moneys seized and proceeds from the sale of property seized during drug related investigations and forfeitures pursuant to RCW [69.50.505](#) or other state or federal laws, shall be deposited into this fund, subject to required federal and state deductions. The city shall keep and provide to the State Treasurer and Auditor records of such deposits in accordance with RCW [69.50.505\(g\)](#).

B. All police records and procedures required under RCW [69.50.505](#) shall be maintained by the Cle Elum police department and city clerk/treasurer to forfeit and dispose of lawfully seized drug related properties, to account for, report, maintain cash funds for drug buys and other enforcement programs related to unlawful drug related use, possession and distribution consistent with RCW Chapter [69.50](#).

C. The fund is authorized to accept gifts, grants, and transfers of moneys from public entities and private individuals, ratifying all prior transactions, and provide for a system of reimbursement among and between participating agencies and persons deemed necessary by the chief of police to meet the evidentiary requirements

for chain of custody, an accounting of moneys received and disbursed, and expenses, including but not limited to reimbursements, police training, and community education.

(Ord. 1075 § 1, 1998)

3.102.020 Purpose of fund.

This fund has been created for the purpose of accumulating funds for the expansion and improvement of controlled substances related law enforcement activities including drug awareness education and the purchase, lease and maintenance of equipment, and any other items necessary for drug enforcement by the Cle Elum police department with the advice and consent of the Cle Elum city council. The moneys deposited in the fund shall be expended only for such purposes and for no other purposes unless directed by the city council.

(Ord. 1075 § 2, 1998)

3.102.030 Unexpended funds.

Any unexpended funds remaining in the drug enforcement fund at the end of the budget year shall not be transferred to the general fund or otherwise lapse and shall be carried over from year to year. Any money retained under this chapter may not be used to supplant preexisting funding sources for the Cle Elum police department.

(Ord. 1075 § 3, 1998)

Chapter 3.104

BULLFROG SHORTFALL ACCOUNTING FUND

Sections:

3.104.010 Fund created – Purpose.

3.104.010 Fund created – Purpose.

There is created a “Bullfrog Shortfall Accounting” fund classified as 114 for the purpose of accounting for the revenue generated pursuant to the shortfall accounting provisions contained in that Development Agreement By and Between the City of Cle Elum, Trendwest Investments, Inc. and Trendwest Properties, Inc., Relating to the Development of Real Property Located Within the Cle Elum Urban Growth Area, Commonly Known as the “Bullfrog UGA” dated October 30, 2002.

(Ord. 1204 § 1, 2003)

Chapter 3.106

GENERAL OBLIGATION DEBT SERVICE FUND

Sections:

3.106.010 Fund created – Purpose.

3.106.010 Fund created – Purpose.

There is created a “General Obligation Debt Service” fund classified as 201 for the purpose of accounting for the funds related to service of debt on general obligations, including the acquisition of the Cle Elum City Hall and renovation of the Cle Elum Fire Station.

(Ord. 1204 § 2, 2003)

Chapter 3.108

HP FISHERY REPLACEMENT FUND

Sections:

3.108.010 Fund created – Purpose.

3.108.010 Fund created – Purpose.

There is created an “HP Fishery Replacement” fund classified as 308 for the purpose of accounting for the funds received related to the sale of the Hanson Ponds pursuant to that Purchase and Sale Agreement between the city of Cle Elum and MountainStar Resort Development, L.L.C. dated October 19, 2003 and the limited use of such funds for the sole purpose of acquisition of a replacement fishery or fisheries by the city of Cle Elum.

(Ord. 1204 § 3, 2003)

Chapter 3.112

TECHNOLOGY RESERVE FUND

Sections:

3.112.010 Fund created.**3.112.010 Fund created.**

A special purpose fund designated the "Technology Reserve Fund" shall be created into which shall be paid funds from the current expense fund and the water/sewer fund as the city council shall from time to time determine to be appropriate and necessary for the purposes of purchasing computer hardware/software, printers, copy machines, and new technology.

(Ord. 1284, 2007)

The Cle Elum Municipal Code is current through Ordinance 1676, passed August 13, 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](http://cityofcleelum.com)

[City Telephone: \(509\) 674-2262](tel:(509)674-2262)

[Hosted by General Code.](#)

**CITY OF CLE ELUM AGREEMENT WITH
UPPER KITTITAS COUNTY SENIOR CENTENNIAL CENTER**

THIS AGREEMENT, commencing January 1, 2025, (hereinafter “Agreement”), is made by and between the City of Cle Elum, a municipal corporation (hereinafter “City”) and the UPPER KITTITAS COUNTY SENIOR CENTENNIAL CENTER, a non-profit organization under the laws of the State of Washington, (hereinafter “Center”) (collectively, the “Parties”). For and in consideration of the mutual promises, covenants and conditions herein, the Parties enter into this Agreement with the terms and conditions as follows:

1. PURPOSE.

The purpose of this Agreement is to provide public services which will benefit senior citizens and others in the city of Cle Elum.

a. The City enters into this Contract pursuant to the authority granted in RCW 36.01.010 and RCW 36.39.060 and agrees to pay the Center a sum of _____ payable in equal monthly installments of 1/12th of the total sum in return for the Center’s services set out below.

b. In return, the Center will provide public services benefiting senior citizens and others in the City as set forth herein and consistent with the by-laws of the Center, which states as follows;

“The purpose of the Center shall be the operation to provide a network of services, including health, social, recreation, educational programs and transportation for all members regardless of race, color, creed, sex or national origin. They shall also, upon approval of the Board of Directors, allow the Center to be used for community activities.”

2. SERVICES PROVIDED BY THE CENTER.

Areas of service to be provided by the Center, but not limited to, are the following;

- a. Provision of a meeting space for City meetings and other public meetings.
- b. Serving as an Upper Kittitas County Emergency Shelter.
- c. Provision of personal enrichment, fellowship and other activities for seniors.
- d. Provision of a meeting place for senior networking lunches for social service agents working with seniors in Upper Kittitas County.
- e. Provision of a workspace for social service agencies serving seniors when such agencies operate in the City.
- f. Provision of drop-in activities for seniors.
- g. Provisions for informational brochures, flyers and pamphlets about services to be made available in the Center’s magazine rack and on its bulletin board.
- h. Provisions for newspaper articles and calendar of events to be published to keep seniors informed of scheduled events.

- i. Provision of an informational network for seniors to help access services to meet their needs.
- j. Provision of call-in referral services to direct callers to the appropriate agency to address the nature of their call.
- k. Provision of exercise classes, arts and craft classes, personal enrichment classes, lectures, health care services and other activities.
- l. Provision of adequate space for the City to provide services as needed to City residents.

3. TERMS OF AGREEMENT.

- a. Commencement and Renewal of Term: This Agreement shall be in effect for the period between January 1, 2025, and ending December 31, 2025. The parties agree to meet before the end of each calendar year to negotiate the continuation of this Agreement, unless earlier terminated by giving Thirty (30) days written notice to the other party before December 31. However, there is no assurance of renewing this Agreement until both parties have signed a new Agreement.
- b. Termination for Change in Funding: If the funds upon which the County has relied to establish this Agreement are withdrawn, reduced or limited, or if additional or modified conditions are placed on such funding, the City may terminate this Agreement by providing at least Fifteen (15) days written notice to the Center.
- c. Termination for Convenience: Either party may terminate this Agreement for convenience upon giving the other party at least Sixty (60) days written notice.
- d. Termination for Default or Non-Performance: If either party defaults in its performance under this Agreement, the non-defaulting party may give the defaulting party written notice that it has Fifteen (15) days in which to cure the default. If the defaulting party fails to commence correction of such non-performance within the Fifteen (15) days and fails to diligently complete the correction thereafter, the non-defaulting party may terminate this Agreement. In the event of such termination, the non-defaulting party shall have all rights and remedies available to it under the law.
- e. Payment for Authorized Work: Upon termination for any cause, the Center will be paid for all authorized work performed up to and including the termination date.
- f. Records to be Kept. The Center shall keep adequate records to reflect the services delivered, and such records shall be open to the City for inspection and audit.
- g. County Observation. The City shall have the right to observe the activities conducted in the Center and shall have the right to determine whether said activities meet the requirements of this contract. The Center agrees to make any changes requested by the City with respect to the manner in which it conducts its activities and delivers its services for which it claims reimbursement.
- h. Failure to Comply. Failure to comply with any of the provisions stated in this Agreement shall constitute material breach of contract and be cause for termination.

- i. Public Records. The City respects the confidentiality of information provided to the City. However, any documents provided to the City will become City property and thus public information. To the extent required by law, such documents may be subject to public disclosure requirements.

4. INDEPENDENT RELATIONSHIP OF THE PARTIES.

- a. The parties agree that they are independent entities organized under the laws of the State of Washington operating pursuant to the terms and conditions of this Agreement.
- b. No agent, employee, servant or representative of either party shall be deemed to be an agent, employee, servant or representative of the other party for any purpose, and employees of one party are not entitled to the benefits the other party provides to its employees.
- c. Each party is solely responsible for its acts and the acts of its agents, employees, servants, subcontractors, volunteers or representatives during the term of this Agreement.
- d. In relation to the performance of this Agreement, neither party will hold out itself or any of its officers, agents, employees, servants or representatives as, nor claim status as, an officer, agent, employee, servant or representative of the other and will not claim for itself or its officers, agents, employees, servants or representatives any rights, privileges or benefits which would accrue to an officer, agent, employee, servant or representative of the other.

5. COMPLIANCE WITH LEGAL REQUIREMENTS.

- a. In the performance of this Agreement, each party accepts responsibility for compliance with federal, state and local laws and regulations. The Center specifically agrees to pay any applicable business and occupation (B&O) taxes that may be due on account of this Agreement.
- b. The City is an equal opportunity employer. In the performance of this Agreement, the Center will not discriminate against any employee or applicant for employment on grounds of race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental or physical handicap; provided that the prohibition against discrimination in employment because of handicap shall not apply if the particular disability prevents the proper performance of the particular work involved.
 - i. Such nondiscrimination in employment shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, lay-off or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships.
 - ii. The Center shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.
- c. In the performance of this Agreement, the Center will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.

6. INSURANCE.

- a. The Center shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Center, its agents, employees, servants or representatives.
- b. The Center is responsible for maintaining the following:
 - i. Automobile liability insurance covering all owned, non-owned, hired and leased vehicles with a minimum combined single limit for bodily injury and property damage of One Million Dollars (\$1,000,000) per accident. If necessary, the policy shall be endorsed to provide contractual liability coverage.
 - ii. Commercial general liability insurance covering liability arising from premises, operations, independent contractors and personal injury and advertising injury, such coverage to be written with limits no less than Two Million Dollars (\$2,000,000) per each occurrence and Two Million Dollars (\$2,000,000) general aggregate.
 - iii. Where professionals act on behalf of the Center to perform professional services through the Center, the Center shall obtain professional liability insurance with limits of no less than Two Million Dollars (\$2,000,000) per claim and Two Million Dollars (\$2,000,000) policy aggregate limit.
 - iv. Where required, the Center shall obtain workers' compensation coverage as mandated by the Washington State Department of Labor and Industries.
 - v. All insurance shall be issued by companies admitted doing business in the State of Washington and have a rating of A-, Class VII or better in the most recently published edition of Best's Reports.
- c. Other Insurance Provisions:
 - i. The City shall be named as an additional insured under the Center's commercial general liability insurance policy with respect to work performed for the City. The Center must provide to the City a policy of endorsement as evidence of the additional insured coverage, which endorsement must state that the Center's insurance shall not be reduced or cancelled without Thirty (30) Days prior written notice sent to the City by certified mail, return receipt requested.
 - ii. The Center's insurance policies for automobile liability, professional liability and commercial general liability shall provide, or be endorsed to provide, that the Center's insurance coverage shall be primary insurance with respect to the City. Any insurance, self-insurance or insurance pool coverage maintained by the City shall be excess of the Center's insurance and shall not contribute with it.
- d. Verification of Coverage: Upon adoption of this Agreement, the Center shall furnish the City with original certificates and a copy of any amendatory endorsements including, but not limited to, the additional insured endorsement evidencing the Center's insurance requirements. Certificates of insurance and policy endorsements shall be furnished and signed by a person

authorized by the respective insurance company to bind coverage on the insurance company's behalf.

7. INDEMNIFICATION AND HOLD HARMLESS.

- a. No liability shall attach to either party by reason of entering into this Agreement except as expressly provided herein.
- b. To the extent of its comparative liability, each party shall indemnify, defend and hold harmless the other party, its departments, elected and appointed officials, agents, employees, servants and representatives, from and against any and all claims, damages, losses, expenses or suits, including reasonable attorney fees and costs, arising out of or resulting from the activities or services undertaken by the Center in meeting its obligations under this Agreement.
- c. It is specifically agreed that the Center shall indemnify and hold harmless the City from all obligations to pay or withhold federal or state taxes or contributions on behalf of the Center or the Center's employees.

8. ASSIGNMENT.

The Center shall not assign its performance under this Agreement or any portion of this Agreement without the express written consent of the City, which consent must be sought in writing by the Center not less than Thirty (30) days prior to the date of any proposed assignment. The City reserves the right to reject without cause any such assignment. If such assignment is authorized by the City, the assignment shall include appropriate safeguards against discrimination. The City shall take such action as may be required to ensure full compliance with all the above provisions concerning nondiscrimination in employment and in receipt of services or benefits provided under this Agreement.

9. MODIFICATION AND WAIVER.

- a. This Agreement may be amended, superseded, cancelled, renewed or extended and the terms hereof may be waived, only by a written consent signed by the parties or, in the case of a waiver, by the party waiving compliance.
- b. The parties agree that forgiveness of any delay or non-performance of any provision of this Agreement, by any party in exercising any right, power or privilege under this Agreement, does not constitute a waiver of the provisions of this Agreement. No whole or partial waiver on the part of any party of any right, power or privilege under specific circumstances shall operate or be construed as a future waiver of such right, power or privilege.
- c. The rights and remedies herein provided are cumulative and are not exclusive of any rights or remedies that any party may otherwise have at law or in equity, except where this Agreement expressly provides otherwise.
- d. Only the City council is authorized to agree to modifications on behalf of the City.

10. DISPUTE RESOLUTION, JURISDICTION AND VENUE.

This Agreement shall be governed by the laws of the State of Washington, both as to interpretation and performance. In the event of a dispute regarding termination of this contract, the City and the Center agree to resolve such dispute through mediation, if possible. In the event that mediation is unsuccessful, the parties agree that the venue for any litigation shall lie in Kittitas County.

11. ENTIRE AGREEMENT.

The parties agree that this contract is the complete expression of the parties' Agreement, and any oral representations or understandings not incorporated herein, or any other terms not found herein, are excluded.

12. SEVERABILITY.

- a. If for any reason, any part, term or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision or part found to be invalid.
- b. If any provision of this Agreement is in conflict with any statutory provision in the State of Washington, said conflicting provision shall be deemed inoperative and null and void as to the extent of said conflict, and this agreement shall be deemed modified to conform to the valid statutory provision.
- c. In the event that any agency of the State of Washington or any federal agency shall issue a formal or informal opinion declaring that this entire Agreement is unlawful or *ultra vires*, or in the event that any court so rules, the Center shall, upon demand of the City, refund to the City any payments hereunder made.

13. AUTHORITY.

Each individual executing this Agreement on behalf of the City and the Center warrants that such individuals are duly authorized to execute this Agreement on behalf of the City or Center.

IN WITNESS WHEREOF, the Lessor and Lessee have executed this Lease on the dates specified below.

City of Cle Elum

By: _____
Matthew Lundh

Date: _____

Upper County Senior Centennial Center

By: _____
Lori Nevin

Date: _____

AFTER RECORDING MAIL TO:
CONE, GILREATH, ELLIS, COLE & ANDERSON
PO BOX 499
ELLENSBURG WA 98926

Document Title(s): (or transactions contained therein)

1. Property Use Agreement Between City of Cle Elum and Upper Kittitas County Senior Center
- 2.

Reference Number(s) of Documents assigned or released:

☐ Additional numbers on page ____ of document

Grantor(s): (Last name first, then first name and initials)

1. City of Cle Elum
- 2.
3. ☐ Additional names on page ____ of document

Grantee(s): (Last name first, then first name and initials)

1. Upper Kittitas County Senior Center
- 2.
3. ☐ Additional names on page ____ of document

Abbreviated Legal Description as follows: (i.e. lot/block/plat or quarter/quarter section/township/range)

20-15-26041-0002

☒ Complete legal description is on Exhibit A of the document

Assessor's Property Tax Parcel/Account Number(s):

Note: The auditor/recorder will rely on the information on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.



**PROPERTY USE AGREEMENT BETWEEN
CITY OF CLE ELUM AND UPPER KITTITAS COUNTY SENIOR CENTER**

An Agreement between the City of Cle Elum, a Washington municipal corporation of the second class and the Upper Kittitas County Senior Center, a non-profit 501c3 corporation, for the use of a portion of the area of land known as Centennial Park, so the Upper Kittitas County Senior Center can carry out its program of services for the community's senior citizens.

ARTICLE I - BACKGROUND

1. The City of Cle Elum (the City) owns Centennial Park, a park approximately 8 acres in area with about 5 acres in use as ball fields and related parking, located on the north side of Third Street at Yakima Avenue, in Cle Elum, Kittitas County, Washington.
2. The Upper Kittitas County Senior Center (UKCSC) has been in operation as an I.R.C. non-profit 501©(3) corporation for the past 8 years, and provides a wide range of services for area senior citizens, including meals, recreational activities, educational programs, fellowship opportunities, field trips, and social services.
3. The UKCSC is currently located in the Upper Kittitas County District Court building. The lease is due to expire within the next year and a half, and is not likely to be renewed. Further, the existing leased space cannot adequately support the UKCSC programs both in terms of size and facilities.
4. The UKCSC has developed plans to build a new Senior Center building, to be financed with accumulated savings, and relying substantially on donated materials and labor.
5. In recognition of the importance of supporting its senior citizens, the City currently provides direct financial support to the UKCSC, which directs much needed services to senior citizens in the community, most of whom are on limited, fixed incomes.
6. The City and UKCSC have now determined that it is in their mutual best interests to enter into a written agreement, authorizing UKCSC to use a portion of Centennial Park for the construction and operation of a building which will house the UKCSC programs, activities and services.

ARTICLE II - PURPOSE OF AGREEMENT

The purpose of this Agreement is to:

1. Provide the terms and conditions under which UKCSC can use a portion of Centennial Park to construct and operate a Senior Center building for their programs and activities.
2. Define operational and maintenance responsibilities.
3. Identify responsibilities for costs and address liability issues.
4. Identify a process to provide for improvements and upgrades.

ARTICLE III - DURATION OF AGREEMENT

1. This Agreement shall extend for a term of fifty (50) years from the date the Agreement is executed by the Parties.

ARTICLE IV - EFFECTIVE DATE OF AGREEMENT

1. This Agreement shall become effective on the date first appearing below.

ARTICLE V - DESCRIPTION OF PROPERTY SUBJECT TO AGREEMENT

1. This Agreement shall apply and pertain to that portion of Centennial Park identified and described on Exhibit A, which is hereby incorporated as a part of this Agreement.

ARTICLE VI - PERMITTED USES

1. UKCSC may use the property described in this Agreement for all programs and activities which are undertaken under the sponsorship and in support of the goals and mission of UKCSC. Such programs and activities may include, but are not limited to regular meetings, group meals, recreational events and activities, social gatherings, and educational and informational presentations.
2. UKCSC may also rent the facility to outside groups for such functions as community gatherings, class reunions, and wedding receptions, provided that such rentals or permissions to use the facility meet all of the following minimum requirements:
 - a. Prior to any rentals, the UKCSC shall prepare a written policy establishing the terms and conditions for such rentals, which must be approved by the City and formally adopted by the UKCSC Board of Directors. The



- UKCSC executive director shall be authorized to approve applications for rentals, provided that such applications comply with the terms of the duly adopted rental policy.
- b. The written policy must, at a minimum, require proof of insurance from any users, and include adequate deposit to cover damage and repairs.
 - c. Proceeds from all rentals must be used in support of UKCSC programs and activities.
 - d. Facility rentals must be scheduled in such a way as to not unduly interfere with or limit the availability of the facility for regular UKCSC programs and activities.
3. UKCSC may sublease space within the building, or enter into separate use agreements, with organizations or agencies which provide educational or social service functions which are generally related or in support of the overall UKCSC mission and goals (see Attachment A), provided that all such subleases must meet the following minimum requirements:
- a. The City must be a signatory party to all such sublease agreements.
 - b. Proof of insurance must be provided by any group or organization seeking to obtain a sublease for use of part of the building.
 - c. Proceeds from all subleases must be used in support of overall UKCSC programs and activities.
 - d. Subleases must not involve facility commitments which would unduly interfere with or limit the ability of UKCSC to meet its primary facility needs.
 - e. All sublessees shall be required to comply with all applicable local, state and federal laws and regulations.
4. UKCSC shall not be charged any rent payment for the use of the above described property, so long as it is used in accordance with the terms and provisions of this Agreement.

ARTICLE VII - IMPROVEMENTS

1. Project site plans and initial Senior Center building construction plans must be approved by the City Council. Modifications and/or improvements to the building or adjacent property covered by this Use Agreement must be requested and approved by the Building Official. No improvements or modifications will be installed or provided by UKCSC without the written permission of the City Administrator. This permission will be granted upon demonstration that the improvement will provide a benefit to UKCSC program participants and will not detract from the appearance and function of the property.
2. UKCSC shall obtain any and all local, state or federal permits associated with construction and development activities undertaken by UKCSC within the terms and provisions of this Agreement.

3. UKCSC shall assume the costs of maintaining any improvements to the property covered by this Agreement, unless otherwise agreed to by the City Council. Should an improvement be made without the permission of the City, the City has the right to direct UKCSC to remove the improvement within thirty (30) days at UKCSC cost. If the improvement is not removed within 30 days, the City may remove the improvement and bill UKCSC for all related costs and will be entitled to full payment for those removal costs through use of any and all mechanisms allowed to it by law.

ARTICLE VIII - RULES, LAWS, AND ORDINANCES

1. UKCSC agrees to abide by and uphold the policies and ordinances of the City of Cle Elum and the laws and regulations of the State of Washington, including those which regulate the operation of food and beverage serving facilities.

ARTICLE IX - RIGHT TO ENTER

1. The City shall have the right to enter UKCSC facilities for any reasonable purpose to include, but not limited to, safety inspections and ensuring code compliance and compliance with the provisions of this Agreement. The City shall provide advance notice, and shall attempt to conduct such inspections during reasonable operating hours, unless exigent circumstances exist.

ARTICLE X - ANNUAL REPORT TO COUNCIL

1. UKCSC shall meet with the City Council on an annual basis to report on the status of Senior Center activities and programs.

ARTICLE XI- TERMINATION

1. Upon termination or expiration of this Agreement, any permanent structure(s) or improvements placed on the property by UKCSC shall become the property of the City.
2. Failure to fulfill the terms, conditions, and obligations of this Agreement by either Party may be determined to constitute a breach of the Agreement, giving rise to termination of the Agreement. A minimum of sixty (60) days notice to correct any failure regarding the terms, conditions, and obligations of this Agreement shall be provided prior to taking steps to terminate the Agreement.

3. UKCSC shall have a period of 18 months from the date of signing of this Agreement to complete construction of the Senior Center building as designed and planned, on this property. At its sole discretion, the City of Cle Elum may grant one or more subsequent six (6) month extensions to this completion deadline. If the completion deadline expires, and the City fails to grant an extension, the termination provisions of this Agreement shall apply. The deadline for extension application shall be not less than thirty (30) days prior to expiration of the Agreement.
4. Unless determined otherwise by the City of Cle Elum, this Agreement shall obligate UKCSC to restore this property to its pre-construction condition, in the event that the termination provisions of the Agreement are invoked.
5. In the event that UKCSC fails to complete the construction of the proposed Senior Center building within the allowed time, as may be extended pursuant to this Agreement, then UKCSC agrees to indemnify and hold the City harmless from any materialman's or mechanic's liens and any and all other unpaid obligations constituting liens against, as well as any other claims, suits or actions for damages, including without limitation attorneys' fees, expert witness fees, costs and disbursements, associated with the Senior Center building to be built by UKCSC pursuant to this Agreement.

ARTICLE XII - NON-DISCRIMINATION

1. UKCSC agrees to comply with all local, state, federal, and all other applicable laws against discrimination.

ARTICLE XIII - LIABILITY

1. UKCSC shall secure and maintain commercial general liability insurance for the entire term of this Agreement to cover all UKCSC uses of the property. Said insurance shall be in the amount of not less than \$1 million per occurrence. The City shall be named additional insured for said policy or policies, and a certificate of insurance so naming the City, along with a copy of the policy binder, shall be provided to the City within fifteen (15) days of the effective date of the policy.
2. The City shall be provided with at least thirty (30) days notice in the event of cancellation of UKCSC's liability insurance coverage.
3. The City reserves the right to review and adjust the minimum amount of insurance coverage required of UKCSC at ten (10) year intervals throughout the life of this Agreement.

4. UKCSC shall be responsible for obtaining, prior to construction activity on the Senior Center building, Builders Risk insurance coverage for its Senior Center construction project. This coverage must cover the entire period while construction is underway. UKCSC must provide the City with an estimated value for the completed structure, to enable the City to confirm that the amount of insurance is adequate to cover building replacement.
5. UKCSC shall be responsible for providing the City with verification that all groups and individuals working on the project have Labor and Industries coverage against on the job injury. This coverage must extend throughout the period that construction is underway.
6. UKCSC shall be responsible for providing the City with verification that the project is covered by General Contractor's Liability Insurance, in an amount of \$1 million, with the City named as additional insured.
7. UKCSC shall submit to the City, upon request, certificates of insurance and copies of the endorsements on all insurance policies required by this Agreement, said documents to evidence the insurance coverages and provide for thirty (30) days' notice of any reduction in insurance coverage during performance of this contract, and naming the City of Cle Elum, its elected officials, officers, employees, agents and representatives as additional insureds.

ARTICLE XIV - INTERPRETATION

1. This Agreement has been and shall be construed as having been made and delivered in the State of Washington, and it is mutually agreed and understood by both Parties that this Agreement shall be governed by the laws of the State of Washington, and the parties intend that Washington law shall apply to the interpretation hereof. Venue to enforce all obligations under this Agreement shall be Kittitas County Superior Court.
2. In the event that either party commences proceedings in Kittitas County Superior Court to interpret or enforce this Agreement, the prevailing party shall be entitled to an award of attorneys' fees and costs and disbursements, including expert witness fees, reasonably incurred or made in such proceedings, including appellate proceedings.
3. This Agreement is an agreement recordable with the Kittitas County Auditor, and shall be binding upon, and inure to the benefit of, the parties and their respective heirs, successors, and assigns.



ARTICLE XV - AMENDMENTS/MODIFICATION

1. The provisions of this Agreement may be amended only by written instrument duly executed by both Parties, after approval by the Cle Elum City Council. Notwithstanding the provisions of this Agreement, the Senior Center reserves the right to propose to the City additional plans for the use of this property.

ARTICLE XVI - INDEMNIFICATION

1. UKCSC and the City shall indemnify and hold harmless the other Party, its officers, agents, and employees from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason of or arising out of any action or omissions by the other Party, its officers, agents, and employees, in performing its obligations under this Agreement.
2. In the event that any suit based upon such a claim, action, loss, or damages, resulting from the actions of UKCSC, is brought against the City, UKCSC shall defend the same at its sole cost and expense; provided, that the City retains the right to participate in said suit if any principle of governmental or public law is involved; and a final judgement is rendered against the City, its officers, agents and employees or jointly against the City and UKCSC and their respective officers, agents, employees, UKCSC shall satisfy the same, except in those cases which are solely due to City negligence.
3. In the event that any suit based upon such a claim, action, loss, or damages, resulting from the actions of the City, is brought against UKCSC, the City shall defend the same at its sole cost and expense; provided that UKCSC retains the right to participate in said suit if any principle of governmental or public law is involved; and a final judgement is rendered against UKCSC, its officers, agents, and employees or jointly against UKCSC and their respective officers, agents, and employees, the City shall satisfy the same.

ARTICLE XVII - ENTIRE AGREEMENT

1. This Agreement contains all of the agreements of the Parties with respect to the subject matter covered or mentioned therein, and no prior Agreement shall be effective to the contrary.

ARTICLE XVIII - RATIFICATION

1. Acts taken in conformity with this Agreement prior to their effective date(s) are hereby ratified and affirmed.

ARTICLE XIX - SEVERABILITY

1. If any section or part of this Agreement is held by a court to be invalid, such action shall not affect the validity of any other part of this Agreement.

IN WITNESS THEREOF, The City and UKCSC have caused this Agreement to be executed in their respective names by their duly authorized officers and have caused this Agreement to be dated as of the 13th day of October, 2000.

CITY OF CLE ELUM

By: Gary Berndt
Gary Berndt, Mayor

Attest: DeLicia Bannister
DeLicia Bannister, City Clerk

Approved as to form:

Erin Anderson
Erin Anderson, City Attorney

UPPER KITTITAS COUNTY SENIOR CENTER

By: Jerónimo U. Romero
Jerónimo Romero, President

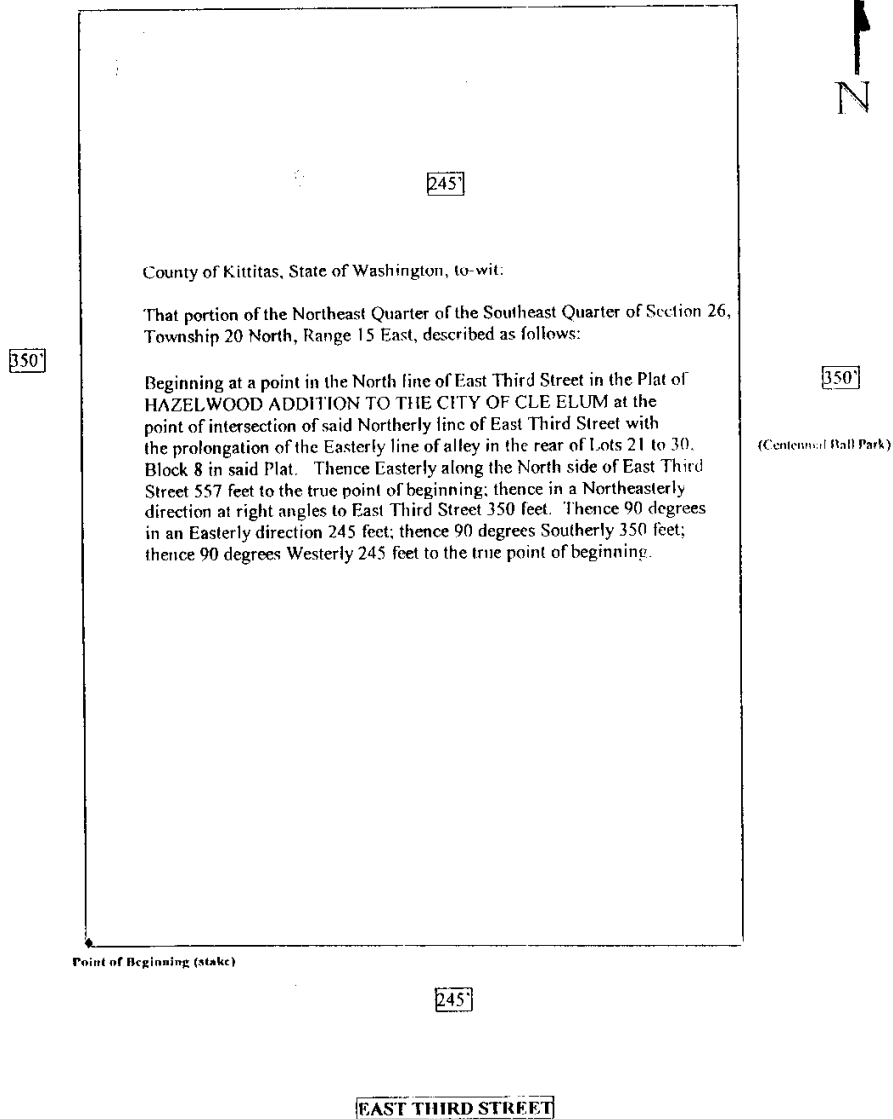
By: Uziel Snook
Uziel Snook, Treasurer

Attest: Isabell Allen
Isabell Allen, Director



EXHIBIT A

(Legal Description for Attachment to Land Use Agreement between City of Cle Elum and UKC Senior Center)





Kittitas County, Washington

BOARD OF COUNTY COMMISSIONERS

District One
Cory Wright

District Two
Laura Osiadacz

District Three
Brett Wachsmith

To: Lori Nevin
Upper County Senior Center (Putnam Centennial Center)
719 East 3rd Street
Cle Elum, WA 98922

Date: December 20, 2023

Subject: Senior Center Agreement - 2024

From: Julie Kjorsvik, Clerk of the Board

- ☐ Original document returned for your information & records.
- ☐ Copy for your information & records.
- ☐ Please sign and return all enclosed documents to our office at your earliest convenience (*a fully executed document will be returned to you*).
- ☒ Please sign and return a fully executed original back to our office at your earliest convenience.

If you have any questions, please feel free to contact our office at your convenience.
Thank you.

AGREEMENT
UPPER KITTITAS COUNTY SENIOR CENTER
~~**PUTNAM CENTENNIAL CENTER**~~

THIS AGREEMENT, dated this 19th day of December 2023, is made by and between KITTITAS COUNTY, a political subdivision of the State of Washington, hereinafter referred to as the "County" and the UPPER KITTITAS COUNTY SENIOR CENTER (~~Putnam Centennial Center~~), a non-profit organization under the laws of the State of Washington, hereinafter referred to as the "Center."

1. PURPOSE. The purpose of this Agreement is to provide public services which will benefit senior citizens and others in Upper Kittitas County.
 - a. The County enters into this Contract pursuant to the authority granted in RCW 36.01.010 and RCW 36.39.060, and agrees to pay the Center a sum of Forty Thousand dollars (\$40,000.00) payable in equal monthly installments of 1/12th of the total sum in return for the Center's services set out below.
 - b. In return, the Center will provide public services benefiting senior citizens and others in the communities of Upper Kittitas County as set forth herein and consistent with the by-laws of the Center, which states as follows;

"The purpose of the Center shall be the operation to provide a network of services, including health, social, recreation, educational programs and transportation for all members regardless of race, color, creed, sex or national origin. They shall also, upon approval of the Board of Directors, allow the Center to be used for community activities."

Newer

2. SERVICES PROVIDED BY THE CENTER. Areas of service to be provided by the Center, but not limited to, are the following;
 - a. Provision of a meeting space for ~~AARP~~, County meetings and other public meetings which affect senior citizens.
 - b. Serving as an Upper Kittitas County Emergency Shelter (as designated by Kittitas County Board of Commissioners – Resolution 2007-01).
 - c. Provision of personal enrichment, fellowship and other activities for seniors.
 - d. Provision of a meeting place for senior networking lunches for social service agents working with seniors in Upper Kittitas County.
 - e. Provision of a work space for social service agencies serving seniors when such agencies operate in Upper Kittitas County.
 - f. Provision of drop-in activities for seniors.
 - g. Provisions for informational brochures, flyers and pamphlets about services to be made available in the Center's magazine rack and on its bulletin board.

- h. Provisions for a ~~weekly~~ newspaper article and ~~monthly~~ calendar of events to be published to keep seniors informed of scheduled events.
- i. Provision of an informational network for seniors to help access services to meet their needs.
- j. Provision of call-in referral services to direct callers to the appropriate agency to address the nature of their call.
- k. Provision of exercise classes, arts and craft classes, personal enrichment classes, lectures, health care services and other activities.
- l. Provision of adequate space for Kittitas County to provide services as needed to Upper Kittitas County residents. If this agreement is terminated or not renewed, the County and the Center will negotiate an acceptable lease for the space dedicated for County use.

3. TERMS OF AGREEMENT.

- a. Commencement and Renewal of Term: This Agreement shall be in effect for the period between January 1, 2024, and ending December 31, 2024. The parties agree to meet before the end of each calendar year to negotiate the continuation of this Agreement, unless earlier terminated by giving Thirty (30) days written notice to the other party before December 31. However, there is no assurance of renewing this Agreement until both parties have signed a new Agreement.
- b. Termination for Change in Funding: If the funds upon which the County has relied to establish this Agreement are withdrawn, reduced or limited, or if additional or modified conditions are placed on such funding, the County may terminate this Agreement by providing at least Fifteen (15) days written notice to the Center.
- c. Termination for Convenience: Either party may terminate this Agreement for convenience upon giving the other party at least Sixty (60) days written notice.
- d. Termination for Default or Non-Performance: If either party defaults in its performance under this Agreement, the non-defaulting party may give the defaulting party written notice that it has Fifteen (15) days in which to cure the default. If the defaulting party fails to commence correction of such non-performance within the Fifteen (15) days and fails to diligently complete the correction thereafter, the non-defaulting party may terminate this Agreement. In the event of such termination, the non-defaulting party shall have all rights and remedies available to it under the law.
- e. Payment for Authorized Work: Upon termination for any cause, the Center will be paid for all authorized work performed up to and including the termination date.
- f. Records to be Kept. The Center shall keep adequate records to reflect the services delivered, and such records shall be open to the County's inspection and audit.
- g. County Observation. The County shall have the right to observe the activities conducted in the Center and shall have the right to determine whether said activities meet the requirements of this contract. The Center agrees to make any changes requested by the County with respect to the manner in which it conducts its activities and delivers its services for which it claims reimbursement.

- h. Failure to Comply. Failure to comply with any of the provisions stated in this Agreement shall constitute material breach of contract and be cause for termination.
- i. Public Records. The County respects the confidentiality of information provided to the County. However, any documents provided to the County will become County property and thus public information. To the extent required by law, such documents may be subject to public disclosure requirements.

4. INDEPENDENT RELATIONSHIP OF THE PARTIES.

- a. The parties agree that they are independent entities organized under the laws of the State of Washington operating pursuant to the terms and conditions of this Agreement.
- b. No agent, employee, servant or representative of either party shall be deemed to be an agent, employee, servant or representative of the other party for any purpose, and employees of one party are not entitled to the benefits the other party provides to its employees.
- c. Each party is solely responsible for its acts and the acts of its agents, employees, servants, subcontractors, volunteers or representatives during the term of this Agreement.
- d. In relation to the performance of this Agreement, neither party will hold out itself or any of its officers, agents, employees, servants or representatives as, nor claim status as, an officer, agent, employee, servant or representative of the other and will not claim for itself or its officers, agents, employees, servants or representatives any rights, privileges or benefits which would accrue to an officer, agent, employee, servant or representative of the other.

5. COMPLIANCE WITH LEGAL REQUIREMENTS.

- a. In the performance of this Agreement, each party accepts responsibility for compliance with federal, state and local laws and regulations. The Center specifically agrees to pay any applicable business and occupation (B&O) taxes that may be due on account of this Agreement.
- b. The County is an equal opportunity employer. In the performance of this Agreement, the Center will not discriminate against any employee or applicant for employment on grounds of race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental or physical handicap; provided that the prohibition against discrimination in employment because of handicap shall not apply if the particular disability prevents the proper performance of the particular work involved.
 - i. Such nondiscrimination in employment shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, lay-off or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships.
 - ii. The Center shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.

- c. In the performance of this Agreement, the Center will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.

6. INSURANCE.

- a. The Center shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Center, its agents, employees, servants or representatives.
- b. The Center is responsible for maintaining the following:
 - i. Automobile liability insurance covering all owned, non-owned, hired and leased vehicles with a minimum combined single limit for bodily injury and property damage of One Million Dollars (\$1,000,000) per accident. If necessary, the policy shall be endorsed to provide contractual liability coverage.
 - ii. Commercial general liability insurance covering liability arising from premises, operations, independent contractors and personal injury and advertising injury, such coverage to be written with limits no less than One Million Dollars (\$1,000,000) per each occurrence and Two Million Dollars (\$2,000,000) general aggregate.
 - iii. Where professionals act on behalf of the Center to perform professional services through the Center, the Center shall obtain professional liability insurance with limits of no less than One Million Dollars (\$1,000,000) per claim and One Million Dollars (\$1,000,000) policy aggregate limit.
 - iv. Where required, the Center shall obtain workers' compensation coverage as mandated by the Washington State Department of Labor and Industries.
 - v. All insurance shall be issued by companies admitted to do business in the State of Washington and have a rating of A-, Class VII or better in the most recently published edition of Best's Reports.
- c. Other Insurance Provisions:
 - i. Kittitas County shall be named as an additional insured under the Center's commercial general liability insurance policy with respect to work performed for the County. The Center must provide to the County a policy of endorsement as evidence of the additional insured coverage, which endorsement must state that the Center's insurance shall not be reduced or cancelled without Thirty (30) Days prior written notice sent to the County by certified mail, return receipt requested.
 - ii. The Center's insurance policies for automobile liability, professional liability and commercial general liability shall provide, or be endorsed to provide, that the Center's insurance coverage shall be primary insurance with respect to the County. Any insurance, self-insurance or insurance pool coverage maintained by the County shall be excess of the Center's insurance and shall not contribute with it.

- d. Verification of Coverage: Upon adoption of this Agreement, the Center shall furnish the County with original certificates and a copy of any amendatory endorsements including, but not limited to, the additional insured endorsement evidencing the Center's insurance requirements. Certificates of insurance and policy endorsements shall be furnished and signed by a person authorized by the respective insurance company to bind coverage on the insurance company's behalf.

7. INDEMNIFICATION AND HOLD HARMLESS.

- a. No liability shall attach to either party by reason of entering into this Agreement except as expressly provided herein.
- b. To the extent of its comparative liability, each party shall indemnify, defend and hold harmless the other party, its departments, elected and appointed officials, agents, employees, servants and representatives, from and against any and all claims, damages, losses, expenses or suits, including reasonable attorney fees and costs, arising out of or resulting from the activities or services undertaken by the Center in meeting its obligations under this Agreement.
- c. It is specifically agreed that the Center shall indemnify and hold harmless the County from all obligations to pay or withhold federal or state taxes or contributions on behalf of the Center or the Center's employees.

8. ASSIGNMENT.

The Center shall not assign its performance under this Agreement or any portion of this Agreement without the express written consent of the County, which consent must be sought in writing by the Center not less than Thirty (30) days prior to the date of any proposed assignment. The County reserves the right to reject without cause any such assignment. If such assignment is authorized by the County, the assignment shall include appropriate safeguards against discrimination. The Center shall take such action as may be required to ensure full compliance with all the above provisions concerning nondiscrimination in employment and in receipt of services or benefits provided under this Agreement.

9. MODIFICATION AND WAIVER.

- a. This Agreement may be amended, superseded, cancelled, renewed or extended and the terms hereof may be waived, only by a written consent signed by the parties or, in the case of a waiver, by the party waiving compliance.
- b. The parties agree that forgiveness of any delay or non-performance of any provision of this Agreement, by any party in exercising any right, power or privilege under this Agreement, does not constitute a waiver of the provisions of this Agreement. No whole or partial waiver on the part of any party of any right, power or privilege under specific circumstances shall operate or be construed as a future waiver of such right, power or privilege.
- c. The rights and remedies herein provided are cumulative and are not exclusive of any rights or remedies that any party may otherwise have at law or in equity, except where this Agreement expressly provides otherwise.

- d. Only the Board of Kittitas County Commissioners is authorized to agree to modifications on behalf of the County.

10. DISPUTE RESOLUTION, JURISDICTION AND VENUE.

This Agreement shall be governed by the laws of the State of Washington, both as to interpretation and performance. In the event of a dispute regarding termination of this contract, the County and the Center agree to resolve such dispute through mediation, if possible. In the event that mediation is unsuccessful, the parties agree that the venue for any litigation shall lie in Kittitas County.

11. ENTIRE AGREEMENT.

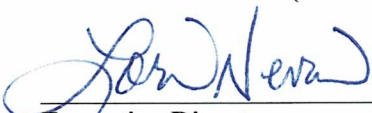
The parties agree that this contract is the complete expression of the parties' Agreement and any oral representations or understandings not incorporated herein, or any other terms not found herein, are excluded.

12. SEVERABILITY.

- a. If for any reason, any part, term or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision or part found to be invalid.
- b. If any provision of this Agreement is in conflict with any statutory provision in the State of Washington, said conflicting provision shall be deemed inoperative and null and void as to the extent of said conflict, and this agreement shall be deemed modified to conform to the valid statutory provision.
- c. In the event that any agency of the State of Washington or any federal agency shall issue a formal or informal opinion declaring that this entire Agreement is unlawful or *ultra vires*, or in the event that any court so rules, the Center shall, upon demand of the County, refund to the County any payments hereunder made.

DATED this 19th day of December 2023.

**UPPER KITTITAS COUNTY
SENIOR CENTER (PUTNAM CENTENNIAL)**



Executive Director

ATTEST:

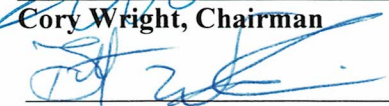


Julie A. Kjosvik
Clerk of the Board

**BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**



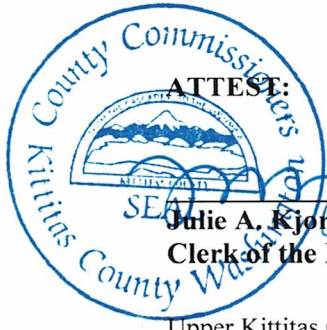
Cory Wright, Chairman



Brett Wachsmith, Vice-Chairman



Laura Osiadacz, Commissioner



Approved as to form:

Deputy Prosecuting Attorney

CLE ELUM GENERAL GOVERNMENT COMMITTEE

MINUTES

SEPTEMBER 25, 2024

8:30 AM

**119 W FIRST STREET
CLE ELUM, WA 98922**

1. Call to Order/Pledge of Allegiance

Beth Williams - Councilmember absent
Steven Harper - Councilmember present
Jerred Weis - Councilmember present

Matthew Lundh - Mayor
Rob Omans - City Administrator
Debbie Lee - Clerk

2. Unfinished Business

a. Cle Elum Municipal Code Review - CEMC Title 3 Revenue & Finance

These are the code revisions that were discussed:

- 3.02.020 Collection 60 days instead of 30 days.
- 3.12.80 general practice 60 days.
- 3.06.010 e. wording considered for the next meeting.
- 3.12.010 payroll period clean language up, align with the employee handbook.
- 3.16.020 fiscal year January–December, Councilmember Harper will email legal to either strike or clean up?
- 3.32.020 antiquated, possibly removed after checking with legal.
- 3.44.010 the committee would like the finance director at the next meeting to explain the different funds.
- 3.112.010 the committee will discuss this chapter at the next meeting when the finance director is present.

b. Senior Center Contract Addendum

Discussion was had about getting an agreement in place for the City of Cle Elum to define the services the City would like to be similar to the contract that the Senior Center currently has with the County. The committee will also look at the 2025 contribution of possibly \$20,000 and what services would need to be considered. This agreement would give the City of Cle Elum the ability to use the facility and have an agreement of what both sides expect. The committee will invite the Senior Center to the next meeting, so both sides can

General Government Committee Agenda

September 25, 2024

119 W FIRST STREET
CLE ELUM, WA 98922

give their input. The committee appreciates the services that the Senior Center provides to residents. The staff will draw up an agreement and address the use of the center. This will be discussed at the next meeting.

3. New Business

a. Approve the August 28, 2024, General Government Committee Meeting Minutes

MOTION: Committee Member Harper made a motion to Approve the August 28, 2024, General Government Committee Meeting Minutes; seconded by Weis.

MOTION : 2 yes 0 no.

4. Other Committee Comments

5. Adjourn

MOTION: to adjourn at 9:01 p.m.

Steven Harper, Chair

Debbie Lee, Clerk

Title 5

BUSINESS LICENSES, TAXES AND REGULATIONS

Chapters:

- 5.02 Business License and Tax Regulations**
- 5.04 Utility Occupation Tax**
- 5.12 Public Dances**
- 5.16 Pawnbrokers and Secondhand Dealers**
- 5.20 Taxis**
- 5.24 Adult Entertainment**

Chapter 5.02

BUSINESS LICENSE AND TAX REGULATIONS

Sections:

- 5.02.010 Business license required.**
- 5.02.020 "Engaging in business" defined.**
- 5.02.030 License – Application.**
- 5.02.035 License – Renewal – Penalties.**
- 5.02.040 License – Fee.**
- 5.02.050 Representations considered conclusive evidence.**
- 5.02.060 Person engaged in business or profession.**
- 5.02.070 License – Transferability.**
- 5.02.080 License – Revocation.**
- 5.02.090 Billiard, pool and card table licenses.**
- 5.02.100 Amusement device licenses.**
- 5.02.110 Music machine.**
- 5.02.120 Places of entertainment or amusement – Hours of operation.**
- 5.02.130 Liquor sales – Hours when permitted.**
- 5.02.140 Police inspection rights.**
- 5.02.150 Health inspection rights.**
- 5.02.160 Exemption by law.**
- 5.02.170 Charitable organizations – Exemption.**
- 5.02.180 Licenses in lieu hereof.**
- 5.02.190 Taxes in addition hereto.**
- 5.02.200 Violation – Penalty.**

5.02.210 Liability.**5.02.220 Late fees.**

Prior legislation: Ords. 885, 844, 837, 703, 672, 647, 571, 494, 443.

5.02.010 Business license required.

All persons, firms, and corporations, excepting wholesalers, engaging in business or practicing any profession in the city, shall first secure a license to do so and pay a city license fee as provided in this chapter except as expressly exempt under this chapter.

For purposes of the license required by this chapter, any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than five thousand dollars and who does not maintain a place of business within the city shall submit a business license registration to the city clerk or designee, but be exempt from the fee therefor. The threshold does not apply to regulatory license requirements or activities that require a specialized permit.

(Ord. 1562 § 1, 2019; Ord. 1509 § 1, 2018; Ord. 1249 (Exh. A))

5.02.020 “Engaging in business” defined.

A. The term “engaging in business” means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

B. This section sets forth examples of activities that constitute engaging in business in the city, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimis business activities in the city without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of “engaging in business” in subsection (A) of this section. If an activity is not listed, whether it constitutes engaging in business in the city shall be determined by considering all the facts and circumstances and applicable law.

C. Without being all-inclusive, any one of the following activities conducted within the city by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf, constitutes engaging in business and requires a person to register and obtain a business license:

1. Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the city.
2. Owning, renting, leasing, using, or maintaining an office, place of business, or other establishment in the city.

3. Soliciting sales.
 4. Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.
 5. Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.
 6. Installing, constructing, or supervising installation or construction of real or tangible personal property.
 7. Soliciting, negotiating, or approving franchise, license, or other similar agreements.
 8. Collecting current or delinquent accounts.
 9. Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.
 10. Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.
 11. Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.
 12. Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.
 13. Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the city, acting on its behalf, or for customers or potential customers.
 14. Investigating, resolving, or otherwise assisting in resolving customer complaints.
 15. In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.
 16. Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.
- D. If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the city but the following, it need not register and obtain a business license:
1. Meeting with suppliers of goods and services as a customer.

2. Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.
 3. Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.
 4. Renting tangible or intangible property as a customer when the property is not used in the city.
 5. Attending, but not participating in, a trade show or multiple vendor events. Persons participating at a trade show shall review the city's trade show or multiple vendor event ordinances.
 6. Conducting advertising through the mail.
 7. Soliciting sales by phone from a location outside the city.
- E. A seller located outside the city merely delivering goods into the city by means of common carrier is not required to register and obtain a business license; provided, that it engages in no other business activities in the city. Such activities do not include those in subsection (D) of this section.
- The city expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the Constitutions of the United States and the state of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts
- F. "Business Licensing Service" or "BLS" means the office within the Washington State Department of Revenue providing business licensing services to the city.

(Ord. 1562 § 2, 2019; Ord. 1509 § 2, 2018; Ord. 1249 (Exh. A))

5.02.030 License – Application.

- A. Application for the license shall be made in writing to the Business Licensing Service. Said application must include all information required for all licenses requested, the total fees due for all licenses, and the application handling fee required by RCW 19.02.075.
- B. Each separate business location in the city, operated by the same business owner, must be licensed separately, as set forth in this chapter. However, no business owner shall be required to obtain more than one license per business location regardless of the number of business activities conducted at the location.
- C. When more than one business operates at physical location, and when said businesses are owned by separate entities, business owners must obtain their own business license for their respective business.

(Ord. 1562 § 3, 2019; Ord. 1249 (Exh. A))

5.02.035 License – Renewal – Penalties.

- A. Licenses issued under this chapter expire on the date established by the Business Licensing Service, and must be renewed on or before that date to continue to conduct business in the city.
- B. Application for renewal of the license must be submitted to the Business Licensing Service. Said application must include all information required to renew the license, the total fees due to renew license, and the renewal handling fee required by RCW 19.02.075.
- C. The license term and respective fee amount may be prorated in order to synchronize the license expiration with the expiration of the business account maintained by the Business Licensing Service.
- D. Failure to renew the license by the expiration date will incur the late renewal penalty required by RCW 19.02.085 in addition to all other fees due.
- E. Failure to renew the license within one hundred twenty days after the expiration date will result in the cancellation of the license and requires reapplication and approval of a license in order to continue to conduct business in the city.

(Ord. 1562 § 4, 2019)

5.02.040 License – Fee.

- A. *Basic License Fee.* Unless it is otherwise provided by provision in a section providing for the licensing of a special, named, enumerated or specific business or activity, the annual basic license fee shall be measured by the number of employees of each business, based upon the number of employed individuals on June 1st preceding the license year in which the basic license fee is payable. This license fee is a basic fee for doing and conducting business within the city limits. Any other section of this chapter or any ordinance of the city requiring a license or tax for conducting a specific and named activity shall be in addition to this basic license fee. There shall be no set-off or credit given for this basic license fee unless such ordinance or section of ordinance so allows. The basic license fee rates are as set forth by resolution of the city council.
- B. *Specialty License Fee.* Any person selling or soliciting orders for any commodity or merchandise from house to house, or from address to address; and any person selling any commodity or merchandise from any vehicle, trailer, stand or temporary structure shall pay a fee as set forth by resolution of the city council.

(Ord. 1518 § 1, 2019; Ord. 1438 § 1, 2015; Ord. 1249 (Exh. A))

5.02.050 Representations considered conclusive evidence.

In any action arising out of any provision of this chapter, or amendment thereto, the fact that the party thereto represented himself as engaged in any business or calling shall be conclusive evidence of the liability of such party to pay a license fee or business tax as provided in the ordinance codified herein.

(Ord. 1249 (Exh. A))

5.02.060 Person engaged in business or profession.

"A person, firm or corporation engaged in a business or profession" means the owner or one primarily beneficially interested therein for profit, and not employees; but where the employer is not licensed as required, it is unlawful for such employee to engage in any business or profession until his employer has first procured the necessary fee.

(Ord. 1249 (Exh. A))

5.02.070 License – Transferability.

No license issued under this chapter shall be transferable or assignable.

(Ord. 1249 (Exh. A))

5.02.080 License – Revocation.

The city council may at any time for good cause revoke, cancel or suspend any and all licenses issued pursuant to the ordinance codified herein upon a hearing held not less than three days after written notice of the time and place thereof has been served personally upon the licensee or the licensee's duly authorized agent or manager, or by depositing the notice in the United States mail in a sealed envelope, with first class postage prepaid, addressed to the licensee or his duly authorized agent at the last known address of the licensee or agent, respectively, if such licensee or agent cannot be found in the city; and in such case no part of the unearned portion of such license fee shall be refunded.

(Ord. 1249 (Exh. A))

5.02.090 Billiard, pool and card table licenses.

Every person, firm or corporation who engages in the business of conducting billiard, pool or card tables for hire within the city shall, in addition to the license required in CEMC Section 5.02.010 and fee required in CEMC Section

5.02.040, secure from the city clerk a license for each such table and pay a fee as set forth by resolution of the city council.

(Ord. 1546 § 1, 2019; Ord. 1438 § 2, 2015; Ord. 1249 (Exh. A))

5.02.100 Amusement device licenses.

Every person, firm or corporation who engages in the business of conducting shuffleboard or miniature bowling tables, music machines, video games or other amusement devices, whether or not any of the devices are coin-operated, for hire or charge within the city, shall in addition to the license required in CEMC Section 5.02.010 secure from the city clerk a license for each such table, device or machine and pay a fee as set forth by resolution of the city council.

(Ord. 1547 § 1, 2019; Ord. 1438 § 3, 2015; Ord. 1249 (Exh. A))

5.02.110 Music machine.

“Music machine” as used in this chapter means and includes any electrical or mechanical machine or device designed to be operated for the recording or reproduction of the human voice or any sound whatsoever by the insertion of a coin, trade check or slug.

(Ord. 1249 (Exh. A))

5.02.120 Places of entertainment or amusement – Hours of operation.

All theaters, shows, taverns, cocktail lounges, pool rooms, billiard rooms, cardrooms, skating rinks, dancehalls, bowling alleys, shooting galleries, and other places where entertainment or amusement is offered to the public, located in the city, shall be closed between the hours of two a.m. and six a.m. of each day, including weekends and Sundays; provided, the city council may by motion or resolution, extend the time during which such places may remain open on a stated special holiday.

(Ord. 1249 (Exh. A))

5.02.130 Liquor sales – Hours when permitted.

Liquor may be sold on weekdays and Sundays in Cle Elum, subject to applicable federal and state laws and regulations and city ordinances.

(Ord. 1249 (Exh. A))

5.02.140 Police inspection rights.

All members of the police force of the city shall have full and free access to any and all performances, shows, entertainments and businesses enumerated in Section 5.02.140, to inspect the same and to enforce the laws.

(Ord. 1249 (Exh. A))

5.02.150 Health inspection rights.

The city health officer or his representative shall at all times have access to any and all places in the city wherein is sold or manufactured food or drink for human consumption, for purpose of inspection.

(Ord. 1249 (Exh. A))

5.02.160 Exemption by law.

The ordinance codified in this chapter shall not be construed to apply to any person, firm or corporation, or any business who or which the city has precluded from licensing by the laws of the state or of the United States.

(Ord. 1249 (Exh. A))

5.02.170 Charitable organizations – Exemption.

The ordinance codified in this chapter shall not be construed to apply to churches or purely charitable organizations, nor to those engaged in the ministerial or teaching professions.

As used in this section, “purely charitable organization” means any organization organized and operated for charitable, education or other purposes, which is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1954, as amended.

(Ord. 1449 § 1, 2016; Ord. 1249 (Exh. A))

5.02.180 Licenses in lieu hereof.

The ordinances codified as Chapter 5.20 are specifically declared to remain in full force and effect; and payment of the taxes and/or license fees therein required must be made in lieu of the license fees required by this chapter.

(Ord. 1562 § 5, 2019; Ord. 1249 (Exh. A))

5.02.190 Taxes in addition hereto.

Chapter [5.12](#) is specifically declared to remain in full force and effect – and compliance with the terms thereof is required in addition to compliance with the terms of this chapter.

(Ord. 1249 (Exh. A))

5.02.200 Violation – Penalty.

See CEMC Chapter [8.60](#) (Code Enforcement).

(Ord. 1249 (Exh. A))

5.02.210 Liability.

The express intent of the city of Cle Elum is that the responsibility for compliance with the provisions of this chapter shall rest with the permit applicant and their agents.

(Ord. 1249 (Exh. A))

5.02.220 Late fees.

A late application penalty as set forth by resolution of the city council shall be assessed by the city against any business for failure to obtain a business license prior to engaging in business in the city. This penalty will be payable directly to the city.

(Ord. 1562 § 6, 2019; Ord. 1548 § 1, 2019; Ord. 1438 § 4, 2015)

Chapter 5.04

UTILITY OCCUPATION TAX

Sections:

- 5.04.010 Authority.**
- 5.04.020 Definitions.**
- 5.04.030 License – Required.**
- 5.04.040 Levied.**
- 5.04.050 Taxes due and payable.**
- 5.04.060 Losses.**

- 5.04.070 Records.**
- 5.04.080 Debt.**
- 5.04.090 Refunds.**
- 5.04.100 Penalty for violation.**
- 5.04.110 Annexations.**
- 5.04.120 Administration.**

5.04.010 Authority.

The provisions of this chapter shall be deemed to be an exercise of the power of the city to license for revenue.

(Ord. 775 § 1, 1981)

5.04.020 Definitions.

- A. "Competitive telephone service" means the providing by any person of telephone equipment, apparatus, or service, other than toll service, which is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title [80](#) RCW and for which a separate charge is made.
- B. "Telephone business" means the business of providing access to a local telephone network, local telephone network switching service, toll services or coin telephone services, or providing telephonic, video, data, or similar communication or transmission for hire, via a local telephone network, toll line or channel, or similar communication or transmission system. It includes cooperative or farmer line telephone companies or associations operating an exchange. "Telephone business" does not include the providing of competitive telephone service, nor the providing of cable television.
- C. "Gross operating revenues" means the value proceeding or accruing from the sale of tangible personal property and/or for services rendered, without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, taxes, or any other expense whatsoever paid or accrued.

(Ord. 1359 § 1, 2011; Ord. 812 § 1, 1984)

5.04.030 License – Required.

From and after January 1, 1982, no person, firm or corporation shall engage in or carry on any business, occupation, act or privilege for which a tax is imposed by CEMC Section [5.04.040](#) without first having obtained, and being the holder of a license so to do, to be known as an occupation license. Each said person, firm or corporation shall promptly apply to the city clerk for such license upon such forms as the clerk shall prescribe, giving such

information as the clerk shall deem reasonably necessary to enable the clerk's office to administer and enforce this chapter and, upon acceptance of such application by the clerk, the clerk shall thereupon issue the license to the applicant. The occupation license shall be personal and nontransferable and shall be valid as long as the licensee shall continue in said business and shall comply with this chapter. The occupation license required under this chapter is separate from, and in addition to, the business license that may be required under CEMC Chapter 5.02, when applicable.

(Ord. 1563 § 1, 2019; Ord. 775 § 2, 1981)

5.04.040 Levied.

From and after May 6, 1984, there is levied upon, and there shall be collected from, every person, firm or corporation engaged in the following business for hire or for sale of a commodity or service within, or partly within, the corporate limits of the city, a tax for the privilege of so doing business as defined in this chapter:

- A. Upon any telephone business, there shall be levied a tax equal to six percent of the total gross operating revenues, including revenues from intrastate tolls, derived from the operation of the business within the city. Gross operating revenues for this purpose shall not include charges which are passed on to the subscribers by a telephone company pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by this chapter, nor shall gross operating revenue include any amount paid by the city.
- B. Upon every person or firm engaged in or carrying on the business of selling or furnishing electric light and power, there shall be levied a tax equal to six percent of the total gross operating revenues. The total gross operating revenues shall not include any revenues received by the firm from the city.
- C. Upon every person or firm engaged in or carrying on the business of selling or furnishing natural gas, there shall be levied a tax equal to six percent of the total gross operating revenues. The total gross operating revenues shall not include any revenues received by the firm from the city.

(Ord. 1359 § 2, 2011; Ord. 872 § 1, 1987; Ord. 812 § 1, 1984)

5.04.050 Taxes due and payable.

The tax imposed by this chapter shall be due and payable in quarterly installments and remittance shall be made on or before the thirtieth day of the month next succeeding the end of the quarterly period in which the tax accrued. Such quarterly periods are as follows:

First quarter – January, February, March

Second quarter – April, May, June

Third quarter – July, August, September

Fourth quarter – October, November, December

The first payment made under this chapter shall be made by April 30, 1982, for the three-month period ending March 31, 1982. On or before the due date, the taxpayer shall file with the city clerk a written return, upon such form and setting forth such information as the clerk shall reasonably require, together with the payment of the amount of the tax.

(Ord. 775 § 4, 1981)

5.04.060 Losses.

In computing the tax, there shall be deducted from the gross operating revenues the following items:

- A. The amount of credit losses and uncollectibles actually sustained by the taxpayer;
- B. Amounts derived from transactions in interstate or foreign commerce or from any business in which the city is prohibited from taxing under the Constitutions of the United States or the state;
- C. Amounts derived by the taxpayer from the city.

(Ord. 775 § 5, 1981)

5.04.070 Records.

Each taxpayer shall keep records reflecting the amount of his gross operating revenues, and such records shall be open at all reasonable times to the inspection of the city clerk, or her duly authorized subordinates for verification of the tax returns or for the fixing of the taxpayer who fails to make such returns.

(Ord. 775 § 6, 1981)

5.04.080 Debt.

If any person, firm or corporation subject to this chapter fails to pay any tax required by this chapter within thirty days after the due date thereof, there shall be added to such tax a penalty of twenty percent of the amount of such tax, and any tax due under this chapter and unpaid, and all penalties thereon, shall constitute a debt to the city, and may be sued on as in other civil actions for debt, which remedy shall be in addition to all other remedies.

(Ord. 775 § 7, 1981)

5.04.090 Refunds.

Any money paid to the city through error or otherwise not in payment of the tax imposed by this chapter or in excess of such tax shall, upon request of the taxpayer, be credited against any tax due or to become due from such taxpayer under this chapter or, upon the taxpayer ceasing to do business in the city, be refunded to the taxpayer.

(Ord. 775 § 8, 1981)

5.04.100 Penalty for violation.

Any person subject to this chapter who fails or refuses to apply for an occupational license under this chapter or to make the tax returns required or to pay the tax quarterly when due, or who makes any false statement or representation in or in connection with any return or application for license, or who otherwise violates or refuses to comply with this chapter shall, upon conviction thereof be punished by a fine of not to exceed five hundred dollars.

(Ord. 775 § 9, 1981)

5.04.110 Annexations.

Whenever the boundaries of the city are extended by annexation, all persons, firms and corporations subject to this chapter will be provided with copies of all annexation ordinances by the city.

(Ord. 775 § 10, 1981)

5.04.120 Administration.

The city clerk is authorized to adopt, publish and enforce, from time to time, such rules and regulations for the proper administration of this chapter as is necessary, and it is a violation of this chapter to violate or to fail to comply with any such rule or regulation lawfully promulgated under this chapter.

(Ord. 775 § 12, 1981)

Chapter 5.12

PUBLIC DANCES²

Sections:

- 5.12.010 License – Required.**
- 5.12.020 License – Fees.**
- 5.12.030 Penalty for violation.**
- 5.12.040 Liability.**
- 5.12.050 Late fees.**

2 Prior ordinance history: Ord. [290](#).

5.12.010 License – Required.

No person, firm or corporation operating or conducting a place of business in the city, wherein alcoholic beverages are sold, offered at or exposed for sale shall conduct a dance or permit dancing thereat or therein, without first obtaining a license from the city as required in this chapter. The public dance license required under this chapter is separate from, and in addition to, the business license that may be required under CEMC Chapter [5.02](#), when applicable.

(Ord. 1564 § 1, 2019; Ord. 1249 (Exh. A))

5.12.020 License – Fees.

Every person, firm or corporation, operating or conducting a place of business in the city wherein alcoholic beverages are sold, offered at or exposed for sale which desires to conduct a dance or permit dancing thereat or therein shall pay to the city clerk, a fee of thirty dollars for a license to do so, upon which payment such license shall be issued for a period terminating December 31st, next after date of such application and said license may be renewed from year to year thereafter upon the payment of a similar fee.

(Ord. 1439 § 1, 2015; Ord. 1249 (Exh. A))

5.12.030 Penalty for violation.

See CEMC Chapter [8.60](#) (Code Enforcement).

(Ord. 1249 (Exh. A))

5.12.040 Liability.

The express intent of the city of Cle Elum is that the responsibility for compliance with the provisions of this chapter shall rest with the permit applicant and their agents.

(Ord. 1249 (Exh. A))

5.12.050 Late fees.

A penalty of twenty-five dollars shall be assessed against any business for failure to timely obtain a required business license under this chapter.

(Ord. 1439 § 2, 2015)

Chapter 5.16

PAWNBROKERS AND SECONDHAND DEALERS

Sections:

- 5.16.010 Definitions.**
- 5.16.020 Records to be kept.**
- 5.16.030 Inspection.**
- 5.16.040 Report to chief law enforcement officer.**
- 5.16.050 Violation – Penalty.**

5.16.010 Definitions.

As used in this chapter:

“Pawnbroker” means every person engaged in whole or in part in the business of loaning money on the security of pledges, deposits, or conditional sales of personal property.

“Precious metals” means gold, silver and platinum.

“Secondhand dealer” means every person engaged in whole or in part in the business of purchasing, selling, trading, consignment selling, or otherwise transferring for value secondhand property, including metal, junk, melted metals, precious metals, whether or not the person maintains a fixed place of business within the city.

“Secondhand property” means any item of personal property offered for sale which is not new, including metals in any form, except postage stamps, coins that are legal tender, bullion in the form of fabricated hallmarked bars, used books, and clothing of a resale value of seventy-five dollars or less, except furs.

“Transaction” means a pledge, purchase or consignment by a pawnbroker or secondhand dealer from a member of the general public.

(Ord. 965 § 1, 1992)

5.16.020 Records to be kept.

It shall be the duty of every pawnbroker and secondhand dealer doing business in the city to maintain in his place of business a book or other permanent record in which shall be legibly written in the English language at the time of such loan, purchase or sale, a record thereof containing:

- A. The date of the transaction;
- B. The name of the person or employee conducting the transaction;
- C. The name, age, street and house number, and a general description of the dress, complexion, color of hair and facial appearance of the person with whom the transaction is made;
- D. A complete description of the property pledged, bought, or consigned, including the brand name, serial number, model number, initials, engravings, size, patterns and color, and in the case of firearms, the caliber, barrel length, type of action, and whether it is a pistol, rifle or shotgun;
- E. The price paid or the amount loaned;
- F. Type and identifying number of identification used by the person with whom the transaction is made, which will consist of a valid driver's license or identification card issued by any state, or two pieces of identification issued by a governmental agency, one of which shall be a description of the person identified;
- G. The nature of the transaction, a number identifying the transaction, the name and address of the business conducting the transaction, and the location of the property.

(Ord. 965 § 1, 1992)

5.16.030 Inspection.

Such record, and all goods received, shall at all times during the ordinary hours of business be open to the inspection of the chief of police or any other police officer on his order.

(Ord. 965 § 1, 1992)

5.16.040 Report to chief law enforcement officer.

- A. Upon request, every pawnbroker and secondhand dealer doing business in the city shall furnish or mail within twenty-four hours to the chief of police on such forms as are provided by the chief of police a full, true and correct transcript of the record of all transactions conducted on the preceding day.
- B. If a pawnbroker or secondhand dealer has good cause to believe that any property in his or her possession has been previously lost or stolen, the pawnbroker or secondhand dealer shall promptly report that fact to the

chief of police, together with the name of the owner, if known, and the date when it was received, and the name of the person from whom it was received.

(Ord. 965 § 1, 1992)

5.16.050 Violation – Penalty.

Every pawnbroker or secondhand dealer, and every clerk, agent or employee of such pawnbroker or secondhand dealer who shall:

- A. Fail to make an entry of any material matter in his book or record kept as provided for in Section [5.16.020](#); or
- B. Make a false entry therein; or
- C. Falsify, obliterate, destroy or remove from his place of business such book or record; or
- D. Refuse to allow the chief of police or any other police officer on his order to inspect the same or any goods in his possession during ordinary hours of business; or
- E. Report any matter falsely to the chief of police; or
- F. Having forms provided therefor, fail upon request of the chief of police to furnish to the chief of police a full, true and correct transcript of the record of all transactions had on the preceding business day, it being the intent of this section that Saturday's business may be reported on Monday; or
- G. Fail to report forthwith to the chief of police the possession of any property which he may have good cause to believe has been lost or stolen, together with the name of the owner, if known, and the date when and the name of the person from whom the same was received by him; or
- H. Receive any property from any known thief or receiver of stolen property, or any known associate of such thief or receiver of stolen property, whether such person is acting in his behalf or as an agent of another, shall, upon conviction thereof, be fined in any sum not exceeding five thousand dollars for each such offense.

(Ord. 965 § 1, 1992)

Chapter 5.20

TAXIS

Sections:

- 5.20.010 Definitions.**
- 5.20.020 Owner license – Required.**
- 5.20.030 Owner license – Application – Contents.**

- 5.20.040 Owner license – Application – Investigation.**
- 5.20.050 Owner license – Fee.**
- 5.20.060 Operator license – Required.**
- 5.20.070 Operator license – Application – Contents.**
- 5.20.080 Operator license – Application – Investigation.**
- 5.20.090 Operator license – Fees.**
- 5.20.100 Rate schedule.**
- 5.20.110 License – Revocation.**
- 5.20.120 License – Suspension.**
- 5.20.130 Penalty for violation.**

5.20.010 Definitions.

“Taxi” means any for-hire vehicle used for carrying passengers for hire.

(Ord. 408 § 1, 1947)

5.20.020 Owner license – Required.

No person or corporation shall own or conduct a taxi business in the city without complying with all the laws of the state regarding the conduct of such business or the operation of for-hire vehicles, and without first having obtained a valid taxi owner’s license from the city clerk. Such license shall be effective for the calendar year or from the date of issuance until December 31st of the same year unless sooner suspended or revoked as provided in this chapter. The licenses and fees required under this chapter are in lieu of the business license and fees required under CEMC Chapter [5.02](#).

(Ord. 1565 § 1, 2019; Ord. 408 § 2, 1947)

5.20.030 Owner license – Application – Contents.

Application for such licenses shall be made in writing to the city clerk signed by the owner or responsible officer, if a corporation, shall be accompanied by evidence that all state license fees have been paid, and shall contain the name and address of the owners and make and type of vehicle or vehicles to be operated, the place of business, number of taxis to be operated, the seating capacity of each, the age and qualifications of the operators of the vehicles and shall be accompanied with a copy of public liability and property damage insurance policy, on each vehicle showing coverage for not less than five thousand dollars and ten thousand dollars for public liability and one thousand dollars for property damage, a statement thereon that all the laws of the state regarding the operation of the vehicle have been complied with, and a statement consenting to the revocation of the license for

the violation of any provision of this chapter or for the violation of any state or city motor vehicle or liquor law or chapter occurring while licensee or his agent is actually operating the vehicle or vehicles.

(Ord. 408 § 3, 1947)

5.20.040 Owner license – Application – Investigation.

All applications for taxi owners' licenses shall be referred to the city council for investigation by a committee and its approval or rejection. Should an application be rejected the applicant shall be given an opportunity to appear before the council in furtherance of the application, before final action on the rejection is taken by the council.

(Ord. 408 § 5, 1947)

5.20.050 Owner license – Fee.

The license fee for a taxi owner's license shall be twenty dollars for the first vehicle and ten dollars for each additional vehicle owned and operated in the business if taken out before July 1st of any year, or one-half of this amount if taken out thereafter and such licenses shall expire on December 31st in the year in which they are written. Licenses may be transferred from vehicle to vehicle and shall not be transferable by licensee.

(Ord. 408 § 4, 1947)

5.20.060 Operator license – Required.

No person shall operate a taxi upon the streets for any trip or fares of any nature originating within the city without first having obtained a valid taxi operator's license from the city clerk.

(Ord. 408 § 6, 1947)

5.20.070 Operator license – Application – Contents.

Application for such license shall be made in writing stating full name, age, residence, length of time he has resided in the city, whether a citizen of the United States, whether he has been convicted of felony or misdemeanor, whether he has been previously licensed as a driver, and if so when and where, whether his license has ever been revoked or suspended and for what cause, which statement shall be signed and sworn to by the applicant and filed with the city clerk as a permanent record.

(Ord. 408 § 7, 1947)

5.20.080 Operator license – Application – Investigation.

Applications for taxi operator's license shall be submitted to the city council. The council shall make an investigation by committee of the applicant, his honesty, ability, moral and physical fitness, his experience, and such other matters and conditions as they may deem proper. Upon conclusion of the investigation the committee may approve or reject the application. Should an application be rejected, the applicant shall be given an opportunity to appear before the council in furtherance of his application before final action on the rejection is taken by the council.

(Ord. 408 § 9, 1947)

5.20.090 Operator license – Fees.

The license fee for a taxi operator's license shall be five dollars per year, and shall be tendered with the application; provided, that all licenses shall expire on December 31st of the year in which they are written. An operator's license or a receipt from the city clerk showing that the license has been granted must be carried in the vehicle or on the person of the operator. Taxi operators' licenses shall not be transferable. All taxi operators must be at least twenty-one years of age.

(Ord. 703 § 2, 1975; Ord. 408 § 8, 1947)

5.20.100 Rate schedule.

Every owner or operator of a taxi shall be required at all times to maintain or post in full view of all passengers a printed schedule of prices and rates charged, based upon a zoning system in which case the zones must be clearly defined, or upon a mileage system. A duplicate of the schedule and all charges thereto must be filed with the city clerk before a taxi is used thereunder.

(Ord. 408 § 10, 1947)

5.20.110 License – Revocation.

All licenses granted in accordance with this chapter shall be revocable by the city council upon complaint by the chief of police that the licensee or his agent, while actually operating a vehicle under the license, has been convicted of violating this chapter, or of violating any state or city motor vehicle or liquor law or ordinance.

(Ord. 408 § 11, 1947)

5.20.120 License – Suspension.

Licenses may be suspended on complaint by the chief of police of an alleged violation pending adjudication of such complaint, providing such adjudication is pending in a court of law.

(Ord. 408 § 11, 1947)

5.20.130 Penalty for violation.

Each operation of a taxi within the city, without there being in existence a currently valid owner's license and operator's license therefor, required as prescribed herein, shall be a separate violation of this chapter, shall be deemed guilty of every violation of this chapter by any employee or agent. Any person owning or conducting a taxi business or operating a taxi in violation of this chapter, shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine not exceeding one hundred dollars.

(Ord. 408 § 11, 1947)

Chapter 5.24

ADULT ENTERTAINMENT

Sections:

- 5.24.010 Definitions.**
- 5.24.020 License required.**
- 5.24.030 License prohibited to certain classes.**
- 5.24.040 Application.**
- 5.24.050 Live adult entertainment establishment license fees.**
- 5.24.060 Appeal.**
- 5.24.070 Standards of conduct and operation – Live adult entertainment establishment.**
- 5.24.080 License term – Assignment – Renewals.**
- 5.24.090 License suspension and revocation – Hearing.**
- 5.24.100 Liquor regulations.**
- 5.24.110 Violation is a misdemeanor.**
- 5.24.120 Nuisance declared.**
- 5.24.130 Additional enforcement.**
- 5.24.140 Severability.**

5.24.010 Definitions.

A. "Adult entertainment" means:

1. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance involves a person who is unclothed or in such costume, attire or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
2. Any exhibition, performance or dance of any type conducted in a premise where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following specified sexual activities:
 - a. Human genitals in a state of sexual stimulation or arousal,
 - b. Acts of human masturbation, sexual intercourse or sodomy, or
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; or
3. Any exhibition, performance or dance which is intended to sexually stimulate any member of the public and which includes, but is not limited to, any such exhibition, performance or dance performed for, arranged with or engaged in with fewer than all members of the public on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance and which is commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

B. "Applicant" means the individual or entity seeking a live adult entertainment license in the city of Cle Elum.

C. "Applicant control persons" means all partners, corporate officers and directors and any other individuals in the applicant's business organization who hold a significant interest in the live adult entertainment business, based on responsibility for management of the live adult entertainment business.

D. "Clerk" means such the city of Cle Elum or city employees or agents as the city administrator shall designate to administer this chapter or any designee thereof.

E. "Employee" means any and all persons, including managers, entertainers and independent contractors who work in or at or render any services directly to the operation of any live adult entertainment establishment.

F. "Entertainer" means any person who provides adult entertainment within a live adult entertainment establishment as defined in this section, whether or not a fee is charged or accepted for entertainment.

G. "Liquor" means all beverages defined in RCW 66.04.200.

H. "Live adult entertainment establishment" means any commercial premises to which any member of the public is invited or admitted and where an entertainer provides adult entertainment to any member of the public.

I. "Manager" means any person who manages, directs, administers or is in charge of the affairs and/or conduct of any portion of any activity involving adult entertainment occurring at a live adult entertainment establishment, and includes assistant managers working with or under the direction of a manager to carry out such purposes.

J. "Member of the public" means a customer, patron, club member or person other than an employee, who is invited or admitted to a live adult entertainment establishment.

K. "Nude or seminude" means a state of complete or partial undress in such costume, attire or clothing so as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or human genitals in a discernibly turgid state, even if completely and opaquely covered.

L. "Operator" means a person operating, conducting or maintaining a live adult entertainment establishment.

M. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity or other entity or group of persons, however, organized.

N. "Sexual conduct" means act of:

1. Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight; or
2. Any penetration of the vagina or anus, however slight, by an object; or
3. Any contact between persons involving the sex organs of one person and the mouth or anus of another; or
4. Masturbation, manual or instrumental, of oneself or of one person by another; or
5. Touching of the sex organs or anus, whether clothed or unclothed, of oneself or of one person by another.

(Ord. 1248 § 1, 2006)

5.24.020 License required.

A. It is unlawful for any person to conduct, manage or operate a live adult entertainment establishment unless such person is the holder of a valid and subsisting license from the city to do so, obtained in the manner provided in this chapter.

B. It is unlawful for any entertainer, employee or manager to knowingly work in or about, or to knowingly perform any service or entertainment directly related to the operation of an unlicensed live adult entertainment establishment.

- C. It is unlawful for any entertainer to perform in a live adult entertainment establishment unless such person is the holder of a valid and subsisting license from the city to do so.
- D. It is unlawful for any manager to work in a live adult entertainment establishment unless such person is the holder of a valid and subsisting license from the city to do so.
- E. The licenses required under this chapter are separate from, and in addition to, the business license required under CEMC Chapter 5.02, when applicable.

(Ord. 1566 § 1, 2019; Ord. 1248 § 1, 2006)

5.24.030 License prohibited to certain classes.

No license shall be issued to:

- A. A natural person who has not attained the age of twenty-one years of age, except that license may be issued to persons who have attained the age of eighteen years with respect to live adult entertainment establishments where no intoxicating liquors are served and provided.
- B. A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the license, or in the case of a manager or a live adult entertainment establishment, the manager has obtained a manager's license.
- C. A co-partnership, unless all the members thereof are qualified to obtain a license as provided in this chapter. Such license shall be issued to the manager or agent thereof.
- D. A corporation, unless all the officers and directors thereof are qualified to obtain a license as provided herein. Such license shall be issued to the manager or agent thereof.

(Ord. 1248 § 1, 2006)

5.24.040 Application.

- A. Live Adult Entertainment Establishment License.

1. All applications for a live adult entertainment establishment shall be submitted to the clerk in the name of the person or entity proposing to conduct a live adult entertainment establishment on the business premises and shall be signed by such person and certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the city, which shall require the following information:

- a. For the applicant and for each applicant control person, provide: names, any aliases or previous names, driver's license number, if any, social security number, if any, and business, mailing and residential address and business telephone number;

- b. If a partnership, whether general or limited, and if a corporation, date and place of incorporation, evidence that is in good standing under the laws of Washington, and name and address of any registered agent for service of process;
 - c. Whether the applicant or any partner, corporate officer or director of the applicant holds any other licenses under this chapter or any license for similar adult entertainment or sexually oriented business, including motion picture theaters and panoramas, from the city or another city, county or state, and if so, the names and addresses of each other licensed business;
 - d. A summary of the business history of the applicant control persons in owning or operating the adult entertainment or other sexually oriented businesses, providing names, addresses and dates of operation for such businesses, and whether any business license or adult entertainment license has been revoked or suspended, and the reason therefor;
 - e. For the applicant and all applicant control persons, any and all criminal convictions or forfeitures within five years immediately preceding the date of the application, other than parking offenses or minor traffic infractions including the dates of conviction, nature of the crime, name and location of court and disposition;
 - f. For the applicant and all applicant control persons, a description of business, occupation or employment history for the three years immediately preceding the date of the application;
 - g. Authorization for the city, its agents and employees to seek information to confirm any statements set forth in the application;
 - h. The location and doing-business-as name of the proposed live adult entertainment establishment, including a legal description of the property, street address and telephone number, together with the name and address of each owner and lessee of the property;
 - i. Two two-inch by two-inch color photographs of the applicant and applicant control persons, taken within six months of the date of the application showing only the full face;
 - j. A complete set of fingerprints for the applicant or each applicant control person, by Cle Elum police department employees;
 - k. A scale drawing or diagram showing the configuration of the premises for the proposed live adult entertainment establishment, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms and service areas shall be clearly marked on the drawing. An application for a license for a live adult entertainment establishment shall include building plans which demonstrate conformance with CEMC Section 5.24.070.
2. An application shall be deemed complete upon the applicant's provision of all information requested above, including identification of "none" where that is the correct response, and the applicant's verification

that the application is complete. The clerk may request other information or clarification in addition to that provided in a complete application where necessary to determine the compliance with this chapter.

3. A nonrefundable application fee must be paid at the time of filing an application in order to defray the costs of processing the application.
4. Each application shall verify, under penalty of perjury, that the information contained in the application is true.
5. If any person or entity acquires, subsequent to the issuance of a live adult entertainment establishment license, a significant interest based on responsibility for management or operation of the licensed premises or the licensed business, notice of such acquisition shall be provided in writing to the city clerk, no later than twenty-one days following such acquisition. The notice required shall include the information required for the original live adult entertainment establishment license application.
6. The live adult entertainment establishment license, if granted, shall state on its face the name of the person or persons to whom it is issued, the expiration date, the doing-business-as name and the address of the licensed live adult entertainment establishment. The permit shall be posted in a conspicuous place at or near the entrance to the live adult entertainment establishment so that it can be easily read at any time the business is open.
7. No person granted a live adult entertainment establishment license pursuant to this chapter shall operate the live adult entertainment establishment under a name not specified on the license, nor shall any person operate a live adult entertainment establishment under any designation or at any location not specified on the license.
8. Upon receipt of the complete application and fee, the clerk shall provide copies to the police, fire and planning departments for their investigation and review to determine compliance of the proposed live adult entertainment establishment with the laws and regulations which each department administers. Each department shall, within thirty days of the date of such application, inspect the application and premises and shall make a written report to the clerk whether such application and premises comply with the laws administered by each department. No license may be issued unless each department reports that the application and premises comply with the relevant laws. In the event the premises are not yet constructed, the departments shall base their recommendation as to premises compliance on their review of the drawings submitted in the application. Any live adult entertainment establishment license approved prior to premises construction shall contain a condition that the premises may not open for business until the premises have been inspected and determined to be in substantial conformance with the drawings submitted with the application. A department shall recommend denial of a license under this subsection if it finds that the proposed live adult entertainment establishment is not in conformance with the requirements of this chapter or other law in effect in the city. A recommendation for denial shall cite the specific reason therefor, including applicable laws.
9. A live adult entertainment establishment license shall be issued by the clerk within thirty days of the date of filing a complete license application and fee, unless the clerk determines that the applicant has failed to

meet any of the requirements of this chapter or provide any information required under this subsection or that the applicant has made a false, misleading or fraudulent statement of material fact on the application for a license. The clerk shall grant an extension of time in which to provide all information required for a complete license application upon the request of the applicant. If the clerk finds that the application has failed to meet any of the requirements for issuance of a live adult entertainment establishment license, the clerk shall deny the application in writing and shall cite the specific reasons therefor, including applicable law. If the clerk fails to issue or deny the license within thirty days of the date of filing a complete application fee, the applicant shall be permitted, subject to all other applicable law, to operate the business for which license was sought until notification by the clerk that the license has been denied, but in no event may the clerk extend the application review time for more than an additional twenty days.

C. Live Adult Entertainment Establishment Manager and Entertainer Licenses.

1. No person shall work as manager, assistant manager or entertainer at a live adult entertainment establishment without an entertainer's or manager's license from the city. Each applicant for an entertainer's or manager's license shall complete an application on forms provided by the city containing the information identified below. A nonrefundable fee of three hundred dollars shall accompany the application. A copy of the application shall be provided to the police department for its review, investigation and recommendation. All applications for a manager's or entertainer's license shall be signed by the applicant and certified to be true under penalty of perjury. The manager's or entertainer's license application shall require the following information:

- a. The applicant's name, home address, home telephone number, date and place of birth, fingerprints taken by Cle Elum police department employees, social security number and any stage names or nicknames used in entertaining;
- b. The name and address of each business at which applicant intends to work;
- c. Documentation that the applicant has attained the age of eighteen years. Any two of the following shall be accepted as documentation of age:
 - i. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth,
 - ii. A state-issued identification card bearing the applicant's photograph and date of birth,
 - iii. An official passport issued by the United States of America,
 - iv. An immigration card issued by the United States of America,
 - v. Any other identification that the city determines to be acceptable;
- d. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other city, county or state within five years immediately preceding the date of the application, except parking violations or minor traffic infractions;

- e. A description of the applicant's principal activities or services to be rendered;
 - f. Two two-inch by two-inch color photographs of applicant, taken within six months of the date of application showing only full face;
 - g. Authorization for the city, its agents and employees to investigate and confirm any statements set forth in the application;
 - h. Every adult entertainer shall provide his or her license to the live adult entertainment establishment manager on duty on the premises prior to his or her performance. The manager shall retain the licenses of the adult entertainers readily available for inspection by the city at any time during business hours of the live adult entertainment establishment.
2. The clerk may request additional information or clarification when necessary to determine compliance with this chapter.
3. A live adult entertainment establishment manager's or entertainer's license shall be issued by the clerk within fourteen days from the date the complete application and fee are received unless the clerk determines that the application has failed to provide any information required to be supplied according to this chapter, has made any false, misleading or fraudulent statement of material fact in the application, or has failed to meet any of the requirements for issuance of a license under this chapter. If the clerk determines that the applicant has failed to qualify for the license applied for, the clerk shall deny the application in writing and shall cite the specific reasons therefor, including applicable laws. If the clerk fails to approve or deny an application for a live adult entertainment establishment manager's license within fourteen days of filing a complete application, the applicant may, subject to all other applicable laws, commence work as a live adult entertainment establishment manager in a duly licensed live adult entertainment establishment until notified by the clerk that the license has been denied, but in no event may the clerk extend the application review time for more than an additional twenty days.

(Ord. 1248 § 1, 2006)

5.24.050 Live adult entertainment establishment license fees.

- A. Any person desiring to obtain a live adult entertainment establishment license shall first pay a license fee of one thousand five hundred dollars per year.
- B. Any person desiring to obtain a live adult entertainment establishment manager's license shall first pay a license fee of three hundred dollars per year.
- C. Any person desiring to obtain a live adult entertainment establishment entertainer's license shall pay a license fee of three hundred dollars per year.

(Ord. 1248 § 1, 2006)

5.24.060 Appeal.

A. *Denial of a License.* Any person aggrieved by the action of the clerk in refusing to issue or renew any license issued under this chapter shall have the right to appeal such action to the city council, by filing a notice of appeal with the clerk within ten days of notice of the refusal to issue or renew. The city council shall set a date for hearing such appeal, to take place within thirty days of the date of receipt of the notice of appeal. At such hearing the appellant and other interested persons may appear and be heard, subject to rules and regulations of the city council. The city council shall render its decision on the appeal within ten working days following the close of the appeal hearing.

B. *Appeal to Superior Court.* Any person aggrieved by the decision of the hearing examiner or other hearing body may appeal to the superior court for a writ of certiorari, prohibition or mandamus within ten days of the date the decision of the city council is mailed to the applicant.

(Ord. 1248 § 1, 2006)

5.24.070 Standards of conduct and operation – Live adult entertainment establishment.

A. The following standards of conduct must be adhered to by employees of any live adult entertainment establishment while in any area in which members of the public are allowed to be present:

1. No employee or entertainer shall be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, except upon a stage at least eighteen inches above the immediate floor level and removed at least eight feet from the nearest member of public.
2. No employee or entertainer mingling with members of the public shall be unclothed or in less than opaque and complete attire, costume or clothing as described in subsection (A)(1) of this section, nor shall any male employee or entertainer at any time appear with his genitals in a discernibly turgid state, even if completely and opaquely covered, or wear or use any device or covering which simulates the same.
3. No employee or entertainer mingling with members of the public shall wear or use any device or covering exposed to view which simulates the breast below the top of the areola, vulva, genitals, anus, and any portion of the pubic region or buttocks.
4. No employee or entertainer shall caress, fondle or erotically touch any member of the public. No employee or entertainer shall encourage or permit any member of the public to caress, fondle or erotically touch any employee or entertainer.
5. No employee or entertainer shall perform actual or simulated acts of sexual conduct as defined in this chapter, or any act which constitutes a violation of Chapter 7.48A RCW, the Washington Moral Nuisances Statute.

6. No employee or entertainer mingling with members of the public shall conduct any dance, performance or exhibition in or about the nonstage area of the live adult entertainment establishment unless that dance, performance or exhibition is performed at a distance of no less than eight feet from any member of the public.
 7. No tip or gratuity offered to or accepted by an adult entertainer may be offered or accepted prior to any performance, dance or exhibition provided by the entertainer. No entertainer performing upon stage area shall be permitted to accept any form of gratuity offered directly to the entertainer by any member of the public. Any gratuity offered to any entertainer performing upon any stage area must be placed into a receptacle provided for receipt of gratuities by the live adult entertainment establishment or provided through a manager on duty on the premises. Any gratuity or tip offered to any adult entertainer conducting any performance, dance or exhibition in or about the nonstage area of the live adult entertainment establishment shall be placed into the hand of the adult entertainer or into a receptacle provided by the adult entertainer, and not upon the person or into the clothing of the adult entertainer.
- B. At any live adult entertainment establishment, the following are required:
1. Admission must be restricted to persons of the age of eighteen years or more. It is unlawful for any owner, operator, manager or other person in charge of a live adult entertainment establishment to knowingly permit or allow any person under the minimum age specified to be in or upon such premises.
 2. Neither the performance nor any photograph, drawing, sketch or other pictorial or graphic representation thereof displaying any portion of the breast below the top of the areola or any portion of the pubic hair, buttocks, genitals and/or anus may be visible outside of the live adult entertainment establishment.
 3. No member of the public shall be permitted at any time to enter any of the nonpublic portions of the live adult entertainment establishment, which shall include but are not limited to: the dressing rooms of the entertainers or other rooms provided for the benefit of employees, and the kitchen and storage areas; except the persons delivering goods and materials, food and beverages or performing maintenance or repairs to the premises or equipment on the premises may be permitted into nonpublic areas to the extent required to perform their job duties.
- C. The responsibilities of the manager of a live adult entertainment establishment shall include but are not limited to:
1. A licensed manager shall be on duty at a live adult entertainment establishment at all times adult entertainment is being provided or members of the public are present on the premises. The name and license of the manager shall be prominently posted during business hours. The manager shall be responsible for verifying that any person who provides adult entertainment within the premises possesses a current and valid entertainer's license.
 2. The licensed manager on duty shall not be an entertainer.

3. The manager or an assistant manager licensed under this chapter shall maintain visual observation of each member of the public at all times any entertainer is present in the public or performance areas of the live adult entertainment establishment. Where there is more than one performance area, or the performance area is such of size or configuration that one manager or assistant manager is unable to visually observe, at all times, each adult entertainer, each employee, and each member of the public, a manager or assistant manager licensed under this chapter shall be provided for each public or performance area or portion of a public or performance area visually separated from other portions of the live adult entertainment establishment.

4. The manager shall be responsible for and shall assure that the actions of members of the public, the adult entertainers and all other employees shall comply with all requirements of this chapter.

D. Premises – Specifications.

1. *Performance Area.* The performance area of the live adult entertainment establishment where adult entertainment as described in subsection (A)(1) of this section is provided shall be a stage or platform at least eighteen inches in elevation above the level of the patron seating areas, and shall be separated by a distance of at least eight feet from all areas of the premises to which members of the public have access. A continuous railing affixed to the floor and measuring at least three feet in height and located at least eight feet from all points of the performance area shall separate the performance area and the patron seating areas. The stage and the entire interior portion of cubicles, rooms or stalls wherein adult entertainment is provided must be visible from the common areas of the premises and at least one manager's station. Visibility shall not be blocked or obstructed by doors, curtains, drapes or any other obstruction whatsoever.

2. *Lighting.* Sufficient lighting shall be provided and equally distributed throughout the public areas of the premises so that all objects are plainly visible at all times. A minimum lighting level of thirty lux horizontal, measured at thirty inches from the floor and on ten-foot centers is hereby established for all areas of the live adult entertainment establishment where members of the public are admitted.

3. *Signs.* A sign at least two feet by two feet, with letters at least one inch high shall be conspicuously displayed in the public area(s) of the premises stating the following:

THIS LIVE ADULT ENTERTAINMENT ESTABLISHMENT IS REGULATED BY THE CITY OF CLE ELUM
ENTERTAINERS ARE:

A. NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT

B. NOT PERMITTED TO APPEAR SEMI-NUDE OR NUDE, EXCEPT ON STAGE

C. NOT PERMITTED TO ACCEPT TIPS OR GRATUITIES IN ADVANCE OF THEIR PERFORMANCE

D. NOT PERMITTED TO ACCEPT TIPS DIRECTLY FROM PATRONS WHILE PERFORMING UPON ANY
STAGE AREA

4. *Recordkeeping Requirements.*

- a. All papers, records and things required to be kept pursuant to this chapter shall be open to inspection by the clerk during the hours when licensed premises are open for business, upon two days' written notice. The purpose of such inspections shall be to determine whether the papers, records and things meet the requirements of this chapter.
- b. Each live adult entertainment establishment shall maintain and retain for a period of two years the name, address and age of each person employed or otherwise retained or allowed to perform on the premises as an adult entertainer, including independent contractors and their employees, as an entertainer. This information shall be open to inspection by the clerk during business hours of operation of the business upon twenty-four hours' notice to the licensee.

5. *Inspections.* In order to insure compliance with this chapter, all areas of licensed live adult entertainment establishment which are open to members of the public shall be open to inspection by city agents and employees during the hours when the premises are open for business. The purpose of such inspections shall be to determine if the licensed premises are operated in accordance with the requirements of this chapter. It is hereby expressly declared that unannounced inspections are necessary to insure compliance with this chapter.

E. It is unlawful for any live adult entertainment establishment to be operated or otherwise open to the public between the hours of two a.m. and eight a.m.

F. This chapter shall not be constructed to prohibit:

1. Plays, operas, musicals or other dramatic works that are not obscene;
2. Classes, seminars and lectures which are held for serious scientific or educational purposes and which are not obscene; or
3. Exhibitions, performances, expressions or dances that are not obscene.

These exceptions shall not apply to the sexual conduct defined in Section 5.24.010(N), or the sexual conduct described in RCW 7.48A.010(2)(b)(ii) and (iii) as amended.

G. Whether or not activity is obscene shall be judged by consideration of the following factors:

1. Whether the average person, applying contemporary community standards, would find that the activity taken as a whole appeals to a prurient interest in sex; and
2. Whether the activity depicts or describes in a patently offensive way, as measured against community standards, sexual conduct as described in RCW 7.48A.010(2)(b); and
3. Whether the activity taken as a whole lacks serious literary, artistic, political or scientific value.

(Ord. 1248 § 1, 2006)

5.24.080 License term – Assignment – Renewals.

- A. There shall be no prorating of license fees set out in CEMC Section 5.24.050 and such licenses shall expire on the thirty-first day of December of each year. Licenses issued under this chapter shall not be assignable.
- B. Application for renewal of licenses issued hereunder shall be made to the clerk no later than thirty days prior to the expiration date of live adult entertainment establishment licenses and no later than fourteen days prior to the expiration date of live adult entertainment establishment manager and entertainer licenses. The renewal license shall be issued in the same manner and on payment of the same fees as for an original application under this chapter.
- C. The clerk shall renew all license upon application unless the clerk is aware of facts that would disqualify the applicant from being issued the license for which he or she seeks renewal, and further provided that the application complies with all provisions of this chapter as now enacted or as the same may hereafter be amended.

(Ord. 1248 § 1, 2006)

5.24.090 License suspension and revocation – Hearing.

- A. The clerk may, upon the recommendation of the chief of police or his designee and as provided in subsection B below, suspend or revoke any license issued under the provisions of this chapter at any time where the same was procured by fraud or false representation of fact; or for the violation of, or failure to comply with, the provisions of this chapter or any other similar local or state law by licensee or by any of his servants, agents or employees when the licensee knew or should have known of the violations committed by his servants, agents or employees; or for the conviction of the licensee of any crime or offense involving prostitution, promoting prostitution or transactions involving controlled substances (as that term is defined in Chapter 69.50 RCW) committed on the premises, or the conviction of any of his servants, agents or employees of any crime or offense involving prostitution, promoting prostitution or transactions involving controlled substances (as that term is defined in Chapter 69.50 RCW) committed on the premises in which his live adult entertainment establishment is conducted when the licensee knew or should have known the violations committed by his servants, agents or employees.
- B. A license procured by fraud or misrepresentation shall be revoked. Where other violations of this chapter or other applicable ordinances, statutes or regulations are found, the license shall be suspended for a period of thirty days upon the first such violation, ninety days upon the second violation within a twenty-four month period, and revoked for the third and subsequent violations within a twenty-four month period, not including periods of suspension.
- C. The clerk shall provide at least ten days' prior written notice to the licensee of the decision to suspend or revoke the license. Such notice shall inform the licensee of the right to appeal the decision to the city counsel and shall state the effective date of such revocation or suspension and the grounds for revocation or suspension. The hearing must be conducted within thirty days of the filing of the notice of appeal. The city counsel shall render its

decision within ten working days following the close of the appeal hearing. Any person aggrieved by the decision of the city counsel shall have the right to appeal the decision to the superior court by writ of certiorari or mandamus within ten days of the date the decision was mailed to the applicant. The decision of the clerk shall be stayed during the pendency of any appeal except as provided in subsection D below.

D. Where the Cle Elum building official or fire marshal or their designees or the Kittitas County health department find that any condition exists upon the premises of a live adult entertainment establishment which constitutes a threat of immediate serious injury or damage to persons or property, said official may immediately suspend any license issued under this chapter pending a hearing in accordance with subsection C above. The official shall issue notice setting forth the basis for the action and the facts that constitute a threat of immediate serious injury or damage to persons or property, and informing the licensee of the right to appeal the suspension to the city counsel under the same appeal provisions set forth in subsection C above; provided, however, that a suspension based on threat of immediate serious injury or damage shall not be stayed during the pendency of the appeal.

(Ord. 1248 § 1, 2006)

5.24.100 Liquor regulations.

Any license issued pursuant to this chapter shall be subject to any rules or regulations of the Washington State Liquor Control Board relating to the sale of intoxicating liquor. In the event of a conflict between the provisions of this chapter and the applicable rules and regulations of the Washington State Liquor Control Board, the rules and regulations of the Washington State Liquor Control Board shall control.

(Ord. 1248 § 1, 2006)

5.24.110 Violation is a misdemeanor.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor.

(Ord. 1248 § 1, 2006)

5.24.120 Nuisance declared.

A. *Public Nuisance.* Any live adult entertainment establishment operated, conducted or maintained in violation of this chapter or any law of the city of Cle Elum or the state of Washington shall be, and the same is, declared to be unlawful and a public nuisance. The city attorney may, in addition to or in lieu of any other remedies set forth in this chapter, commence an action to enjoin, remove or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will

abate or remove such public nuisance and restrain and enjoin any person from operating, conduction or maintaining a live adult entertainment establishment contrary to the provision of this chapter.

B. *Moral Nuisance.* Any live adult entertainment establishment operated, conducted or maintained contrary to the provisions of Chapter [7.48](#) RCW, Moral Nuisance, shall be, and the same is declared to be, unlawful and a public and moral nuisance and the city attorney may, in addition to or in lieu of any other remedies set forth herein, commence an action or actions, to abate, remove and enjoin such public and moral nuisance, or impose a civil penalty, in the manner provided by Chapter [7.48A](#) RCW.

(Ord. 1248 § 1, 2006)

5.24.130 Additional enforcement.

The remedies found in this chapter are not exclusive, and, the city may seek any other legal or equitable relief, including but not limited to enjoining any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted.

(Ord. 1248 § 1, 2006)

5.24.140 Severability.

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

(Ord. 1248 § 1, 2006)

The Cle Elum Municipal Code is current through Ordinance 1676, passed August 13, 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](http://cityofcleelum.com)

[City Telephone: \(509\) 674-2262](tel:(509)674-2262)

[Hosted by General Code.](#)

Title 6

ANIMALS

Chapters:

6.04 Regulation of Animals and Fowl

Chapter 6.04

REGULATION OF ANIMALS AND FOWL

Sections:

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

6.04.170 Vicious animals or fowl may be destroyed.

6.04.180 Interference with enforcement.

6.04.190 Penalty for violation.

6.04.010 Definitions.

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

“Animal” means any and all types of animals, 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
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 1676, passed August 13, 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](http://cityofcleelum.com)

[City Telephone: \(509\) 674-2262](tel:(509)674-2262)

[Hosted by General Code.](#)