

# **CLE ELUM, WASHINGTON**

## **MUNICIPAL CODE**

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**A Codification of the General Ordinances of  
Cle Elum, Washington**

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**Beginning with Supp. No. 10,  
Supplemented by Municipal Code Corporation**

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## **PREFACE**

The Cle Elum, Washington, Municipal Code, originally published by Book Publishing Company in 1982, has been kept current by regular supplementation by Municipal Code Corporation, its successor in interest.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Darrel Ellis, city attorney.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the Title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 10, legislation can be tracked using the "Code Comparative Table and Disposition List."

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

**This supplement brings the Code up to date through Ordinance 1340, passed November 23, 2010.**

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## **HOW TO USE YOUR CODE**

This code is organized to make the laws of the city as accessible as possible to city officials, city employees and private citizens. Please take a moment to familiarize yourself with some of the important elements of this code.

### **Numbering System**

The numbering system is the backbone of a Code of Ordinances; Municipal Code Corporation uses a unique and versatile numbering structure that allows for easy expansion and amendment of this Code. It is based on three tiers, beginning with title, then chapter, and ending with section. Each part is represented in the code section number. For example, Section 2.04.010 is Section .010, in Chapter 2.04 of Title 2.

### **Title**

A title is a broad category under which ordinances on a related subject are compiled. This code contains about 15 to 20 titles. For example, the first title is Title 1, General Provisions, which may contain ordinances about the general penalty, code adoption and definitions. The titles in this code are separated by tabbed divider pages for quick reference. Some titles are Reserved for later use.

### **Chapter**

Chapters deal with more specific subjects, and are often derived from one ordinance. All of the chapters on a related subject are grouped in one title. The chapters are numbered so that new chapters which should logically be placed near certain existing chapters can be added at a later time without renumbering existing material. For example, Chapter 2.06, City Manager, can be added between 2.04, City Council, and Chapter 2.08, City Attorney.

### **Section**

Each section of the code contains substantive ordinance material. The sections are numbered by "tens" to allow for expansion of the code without renumbering.

### **Tables of Contents**

There are many tables of contents in this code to assist in locating specific information. At the beginning of the code is the main table of contents listing each title. In addition, each title and chapter has its own table of contents listing the chapters and sections, respectively.

### **Ordinance History Note**

At the end of each code section, you will find an "ordinance history note," which lists the underlying ordinances for that section. The ordinances are listed by number, section (if applicable) and year. (Example: (Ord. 272 § 1, 1992).)

Beginning with Supplement No. 10, a secondary ordinance history note will be appended to affected sections. Ordinance history notes will be amended with the most recent ordinance added to the end. These history notes can be cross referenced to the code comparative table and disposition list appearing at the back of the volume preceding the index.

### **Statutory References**

The statutory references direct the code user to those portions of the state statutes that are applicable to the laws of the municipality. As the statutes are revised, these references will be updated.

### **Cross-Reference Table**

When a code is based on an earlier codification, the cross-reference table will help users find older or "prior" code references in the new code. The cross-reference table is located near the end of the code, under the tabbed divider "Tables." This table lists the prior code section in the column labeled "Prior Code Section" and the new code section in the column labeled "Herein."

As of Supplement No. 10, this table will no longer be updated.

### **Ordinance List and Disposition Table**

To find a specific ordinance in the code, turn to the section called "Tables" for the Ordinance List and Disposition Table. This very useful table tells you the status of every ordinance reviewed for inclusion in the code. The table is organized by ordinance number and provides a brief description and the disposition of the ordinance. If the ordinance is codified, the chapter (or chapters) will be indicated. (Example: (2.04, 6.12, 9.04).) If the ordinance is of a temporary nature or deals with subjects not normally codified, such as budgets, taxes, annexations or rezones, the disposition will be "(Special)." If the ordinance is for some reason omitted from the code, usually at the direction of the municipality, the disposition will be "(Not codified)." Other dispositions sometimes used are "(Tabled)," "(Pending)," "(Number Not Used)" or "(Missing)."

Beginning with Supplement No. 10, this table will be replaced with the "Code Comparative Table and Disposition List."

### **Code Comparative Table and Disposition List**

Beginning with Supplement No. 10, a Code Comparative Table and Disposition List has been added for use in tracking legislative history. Located in the back of this volume, this table is a chronological listing of each ordinance considered for codification. The Code Comparative Table and Disposition List specifies the ordinance number, adoption date, description of the ordinance and the disposition within the code of each ordinance. By use of the Code Comparative Table and Disposition List, the reader can locate any section of the code as supplemented, and any subsequent ordinance included herein.

### **Index**

If you are not certain where to look for a particular subject in this code, start with the index. This is an alphabetical multi-tier subject index which uses section numbers as the reference, and cross-references where necessary. Look for the main heading of the subject you need, then the appropriate subheadings:

#### **BUSINESS LICENSE**

See also BUSINESS TAX

Fee 5.04.030

Required when 5.04.010

The index will be updated as necessary when the code text is amended.

### **Insertion Guide**

Each supplement to the new code will be accompanied by an Insertion Guide. This guide will tell the code user the date of the most recent supplement and the last ordinance contained in that supplement. It will then list the pages that must be pulled from the code and the new pages that must be inserted. Following these instructions carefully will assure that the code is kept accurate and current. Removed pages should be kept for future reference.

### **Page Numbers**

When originally published, this code was numbered with consecutive page numbers. As it is amended, new material may require the insertion of new pages that are numbered with decimals. (Example: 31, 32, 32.1.) Backs of pages that are blank (in codes that are printed double-sided) are left unnumbered but the number is "reserved" for later use.

### **Electronic Submission**

In the interests of accuracy and speed, we encourage you to submit your ordinances electronically if at all possible. We can accept most any file format, including Word, WordPerfect or text files. If you have a choice, we prefer Word, any version. You can send files to us as an e-mail attachment, by FTP, on a diskette or CD-ROM. Electronic files enable us not only to get you your code more quickly but also ensure that it is error-free. Our e-mail address is: [ords@municode.com](mailto:ords@municode.com).

For hard copy, send two copies of all ordinances passed to:

Municipal Code Corporation

P.O. Box 2235

Tallahassee, FL 32316

### **Customer Service**

If you have any questions about this code or our services, please contact Municipal Code Corporation at 1-800-262-2633 or:

Municipal Code Corporation

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## Checklist of Up-to-Date Pages

(This checklist will be updated with the  
printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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## SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

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## **Title 1**

### **GENERAL PROVISIONS**

#### **Chapters:**

- 1.01 Code Adoption**
- 1.04 General Provisions**
- 1.08 Datum Plane**
- 1.16 General Penalty**



## Chapter 1.01

## CODE ADOPTION

## Sections:

- 1.01.010 Adopted.
- 1.01.020 Title—Citation—Reference.
- 1.01.030 Codification authority.
- 1.01.040 Ordinances passed prior to adoption of the code.
- 1.01.050 Reference applies to all amendments.
- 1.01.060 Title, chapter and section headings.
- 1.01.070 Reference to specific ordinances.
- 1.01.080 Effect of code on past actions and obligations.
- 1.01.090 Effective date.
- 1.01.100 Constitutionality.

**1.01.010 Adopted.**

Pursuant to the provisions of Sections 35.21.500 through 35.21.570 of the Revised Code of Washington, there is hereby adopted the "Cle Elum Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 793 § 2, 1982)

**1.01.020 Title—Citation—Reference.**

This code shall be known as the "Cle Elum Municipal Code," and it shall be sufficient to refer to the code as the "Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Cle Elum Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Cle Elum Municipal Code, and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 793 § 3, 1982)

**1.01.030 Codification authority.**

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Cle Elum, Washington, codified pursuant to the provisions of Sections 35.21.500 through 35.21.570 of the Revised Code of Washington. (Ord. 793 § 4, 1982)

**1.01.040 Ordinances passed prior to adoption of the code.**

The last ordinance included in the initial code is Ordinance 790, passed March 22, 1982. The following ordinances, passed subsequent to Ordinance 790, but prior to the adoption of this code, are hereby adopted and made a part of this code: Ordinances 791 and 792. (Ord. 793 § 5, 1982)

**1.01.050 Reference applies to all amendments.**

Whenever a reference is made to this code as the Cle Elum Municipal Code or to any portion thereof, or to any ordinance of the city of Cle Elum, Washington, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 793 § 6, 1982)

**1.01.060 Title, chapter and section headings.**

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 793 § 7, 1982)

**1.01.070 Reference to specific ordinances.**

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 793 § 8, 1982)

### **1.01.080 Effect of code on past actions and obligations.**

Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 793 § 9, 1982)

### **1.01.090 Effective date.**

This code shall become effective on the date the ordinance adopting this code as the Cle Elum Municipal Code becomes effective. (Ord. 793 § 10, 1982)

### **1.01.100 Constitutionality.**

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 793 § 11, 1982)

## **Chapter 1.04**

### **GENERAL PROVISIONS**

#### **Sections:**

<b>1.04.010</b>	<b>Definitions.</b>
<b>1.04.020</b>	<b>Title of office.</b>
<b>1.04.030</b>	<b>Interpretation of language.</b>
<b>1.04.040</b>	<b>Grammatical interpretation.</b>
<b>1.04.050</b>	<b>Acts by agents.</b>
<b>1.04.060</b>	<b>Prohibited acts include causing and permitting.</b>
<b>1.04.070</b>	<b>Computation of time.</b>
<b>1.04.080</b>	<b>Construction.</b>
<b>1.04.090</b>	<b>Repeal shall not revive any ordinances.</b>

#### **1.04.010 Definitions.**

The following words and phrases, whenever used in the ordinances of the city of Cle Elum, Washington, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "City" and "town" each mean the city of Cle Elum, Washington, or the area within the territorial limits of the city of Cle Elum, Washington, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Council" means the city council of the city of Cle Elum. "All its members" or "all councilmen" means the total number of councilmen holding office.

C. "County" means the county of Kittitas.

D. "Law" denotes applicable federal law, the Constitution and statutes of the state of Washington, the ordinances of the city of Cle Elum, and, when appropriate, any and all rules and regulations which may be promulgated hereunder.

E. "May" is permissive.

F. "Month" means a calendar month.

G. "Must" and "shall" are each mandatory.



H. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

I. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

J. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

K. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

L. "Preceding" and "following" mean next before and next after, respectively.

M. "Property" includes real and personal property.

N. "Real property" includes lands, tenements and hereditaments.

O. "Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

P. "State" means the state of Washington.

Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

R. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or part of such building or land, whether alone or with others.

S. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

T. "Year" means a calendar year. (Ord. 788 § 1, 1982)

#### **1.04.020 Title of office.**

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city of Cle Elum. (Ord. 788 § 2, 1982)

#### **1.04.030 Interpretation of language.**

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 788 § 3, 1982)

#### **1.04.040 Grammatical interpretation.**

The following grammatical rules shall apply in the ordinances of the city of Cle Elum unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa unless manifestly inapplicable. (Ord. 788 § 4, 1982)

#### **1.04.050 Acts by agents.**

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 788 § 5, 1982)

#### **1.04.060 Prohibited acts include causing and permitting.**

Whenever in the ordinances of the city of Cle Elum any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 788 § 6, 1982)

**1.04.070 Computation of time.**

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 788 § 7, 1982)

**1.04.080 Construction.**

The provisions of the ordinances of the city of Cle Elum, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice. (Ord. 788 § 8, 1982)

**1.04.090 Repeal shall not revive any ordinances.**

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 788 § 9, 1982)

**Chapter 1.08****DATUM PLANE****Sections:**

<b>1.08.010</b>	<b>Location.</b>
<b>1.08.020</b>	<b>Elevation—Established.</b>
<b>1.08.030</b>	<b>Streets—Established.</b>

**1.08.010 Location.**

The base of the city of Cle Elum shall be twenty feet below the United States Bench Mark at the intersection of Railroad Street with Pennsylvania Avenue. (Ord. 47 § 1, 1904)

**1.08.020 Elevation—Established.**

All official elevations hereafter established shall be at the property lines at an elevation above the base described in Section 1.08.010. (Ord. 47 § 2, 1904)

**1.08.030 Streets—Established.**

All grades shall be straight lines between official elevations. The official elevations of the streets set forth in this section shall be established as follows:

Railroad Street and Billings Avenue, 1908.48.  
 Railroad Street and Oaks Avenue, 1907.50.  
 Railroad Street and Pennsylvania Avenue, 1907.46.  
 Railroad Street and Harris Avenue, 1905.55.  
 Railroad Street and Wright Avenue, 1904.55.  
 Railroad Street and Bullit Avenue, 1902.67.  
 First Street and Billings Avenue, 1909.42.  
 First Street and Oaks Avenue, 1908.00.  
 First Street and Pennsylvania Avenue, south side, 1908.32.  
 First Street and Pennsylvania Avenue, north side, 1907.22.  
 First Street and Harris Avenue, 1905.95.  
 First Street and Wright Avenue, 1904.48.  
 First Street and Bullit Avenue, 1904.00.  
 First Street and Peoh Avenue, 1901.49.  
 First Street and Montgomery Avenue, 1899.65.  
 First Street and Teanaway Avenue, 1897.77

Second Street and Billings Avenue, 1916.83.  
 Second Street and Oaks Avenue, 1908.34.  
 Second Street and Pennsylvania Avenue, 1906.34.  
 Second Street and Harris Avenue, 1906.54.  
 Second Street and Wright Avenue, 1904.74.  
 Second Street and Bullit Avenue, 1903.04.  
 Second Street and Peoh Avenue, 1902.76.  
 Second Street and Montgomery Avenue, 1899.21.  
 Second Street and Teanaway Avenue, 1895.87.  
 Third Street and Billings Avenue, 1924.60.  
 Third Street and Oaks Avenue, 1914.80.  
 Third Street and Pennsylvania Avenue, 1907.38.  
 Third Street and Harris Avenue, 1906.47.  
 Third Street and Wright Avenue, 1905.22.  
 Third Street and Bullit Avenue, 1905.10.  
 Third Street and Peoh Avenue, 1903.12.  
 Third Street and Montgomery Avenue, 1907.13.  
 Third Street and Teanaway Avenue, 1899.76.  
 (Ord. 47 § 3, 1904)

## Chapter 1.16

### GENERAL PENALTY

#### Sections:

- 1.16.010** Violation a gross misdemeanor.  
**1.16.020** Separate offense.

#### **1.16.010 Violation a gross misdemeanor.**

Any person, firm or corporation, their agents or servants, who shall violate any of the provisions of the following titles and chapters, shall be deemed guilty of a gross misdemeanor:

Title 5 Business Licenses, Taxes and Regulations

Title 6 Animals

Title 8 Health and Safety

Chapter 8.12 Nuisances

Chapter 8.20 Junkyards

Chapter 8.28 Fireworks

Chapter 8.44 Camping within City Limits

Title 9 Public Peace, Morals and Welfare

Chapter 9.04 Assault and Battery

Chapter 9.12 Disorderly Conduct

Chapter 9.20 Theft

Chapter 9.24 Theft and Vehicle Prowling

Chapter 9.28 Minors

Chapter 9.32 Dangerous Weapons

Chapter 9.36 Discharge of Guns

Chapter 9.40 Carrying of Firearms

Chapter 9.64 Possession of Marijuana

Except with respect to penalties provided in Chapter 10.04, any person, firm or corporation, their agents or servants, upon conviction thereof, shall be punished by a fine in any sum not exceeding five thousand dollars and/or imprisoned for a term not to exceed three hundred sixty-five days. (Ord. 1217, 2004: Ord. 819 § 2, 1984: Ord. 789 § 1, 1982)

#### **1.16.020 Separate offense.**

Each person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, continued or permitted by any person, and he is punishable accordingly. (Ord. 789 § 1 (part), 1982)



## **Title 2**

### **ADMINISTRATION AND PERSONNEL**

#### **Chapters:**

- 2.03 Council Meetings**
- 2.06 Appointment of City Treasurer**
- 2.07 Appointment of City Administrator**
- 2.08 Appointment of City Attorney**
- 2.10 Appointment of City Clerk**
- 2.11 Airport Administrator**
- 2.12 Meat Inspector**
- 2.13 Enforcement Hearing Examiner**
- 2.15 Fire Department**
- 2.18 Use of City Hall and Fire Station No. 1**
- 2.21 Equal Opportunity Employment Policy**
- 2.24 Police Department**
- 2.27 Police Civil Service**
- 2.30 Surety Bonds**
- 2.33 Work Hours for City Employees and Officers**
- 2.36 Overtime Salaries**
- 2.39 Social Security System**
- 2.42 Retirement System**
- 2.45 Public Library**
- 2.48 City Cemeteries**
- 2.51 Airport Property Regulations**
- 2.53 Municipal Court**
- 2.55 Swimming Pool Board**
- 2.60 Hearings Examiner**



**Chapter 2.03****COUNCIL MEETINGS****Sections:****2.03.010      Date and time.****2.03.010      Date and time.**

The regular meetings of the city council shall be held on the second and fourth Tuesday of each calendar month at the hour of seven p.m., in the council chambers of Cle Elum City Hall, located at 119 West First Street, Cle Elum, Washington. (Ord. 1113 § 1, 2000; Ord. 1015 § 1, 1994)

**Chapter 2.06****APPOINTMENT OF CITY TREASURER****Sections:****2.06.010      Monthly report.****2.06.020      Appointment.****2.06.010      Monthly report.**

It shall be the duty of the city treasurer, in addition to his duties as prescribed by the laws of the state and prior ordinances of the city, to present to the city council, at its first meeting in each month, an itemized report showing all his receipts and disbursements, as the treasurer, for the month preceding. (Ord. 112<sup>1</sup>/<sub>2</sub> § 1, 1909)

**2.06.020      Appointment.**

It is determined that it is in the best interest of the city that the office of the city treasurer be filled by appointment by the mayor subject to confirmation by a majority vote of the city council. (Ord. 908, 1990)

## Chapter 2.07

### APPOINTMENT OF CITY ADMINISTRATOR

#### Sections:

- 2.07.010 Office created.**
- 2.07.020 Appointment—Compensation.**
- 2.07.030 General duties and responsibilities.**
- 2.07.040 Department head, employee authority.**
- 2.07.050 Qualifications.**

#### **2.07.010 Office created.**

There is created the appointive office of city administrator, who shall serve as the chief administrative officer of the city under the direction and authority of the mayor and city council. (Ord. 1192, 2003)

#### **2.07.020 Appointment—Compensation.**

The office of city administrator shall be filled by the appointment of the mayor, subject to confirmation by a majority of the city council, to serve at the pleasure of the mayor. The city administrator shall receive such compensation as may be fixed by a contractual agreement entered into by the mayor and city administrator upon approval of a majority of the city council, said salary to be set in accordance with the adopted city budget and personnel and other applicable policies adopted by the city. (Ord. 1192, 2003)

#### **2.07.030 General duties and responsibilities.**

The city administrator shall act as the chief administrative office and head of the administrative branch of the city government, being responsible to the mayor and council for the proper administration of all affairs of the city, including without limit those duties and responsibilities as may appear in an adopted job description of said administrative office; and to perform those other duties and responsibilities as the mayor or city council may from time to time direct, or as the ordinances and resolutions of the city require. (Ord. 1192, 2003)

#### **2.07.040 Department head, employee authority.**

The city administrator is the immediate supervisor to all city administrative department heads. The city administrator may appoint or remove administrative department heads, officers (except members of the city council) and employees of the city subject to the mayor's concurrence and further subject to the provisions of any applicable ordinances and laws, collective bargaining agreement, and rules and regulations related to civil service. (Ord. 1192, 2003)

#### **2.07.050 Qualifications.**

The city administrator shall have executive and administrative experience, education, and training that provides the level of knowledge and ability required for the position. In order to be personally familiar with the affairs of the community, the city administrator shall reside within the boundaries of the Cle Elum-Roslyn School District. A majority of the city council may, in its discretion, waive this requirement for good cause shown. (Ord. 1192, 2003)



**Chapter 2.08****APPOINTMENT OF CITY ATTORNEY****Sections:**

**2.08.010 City attorney—Appointed by mayor.**

**2.08.010 City attorney—Appointed by mayor.**

It is determined that it is in the best interests of the city that the office of city attorney be filled by appointment by the mayor subject to confirmation by a majority vote of the city council. (Ord. 1052, 1997)

**Chapter 2.10****APPOINTMENT OF CITY CLERK****Sections:**

**2.10.010 City clerk—Appointed by mayor.**

**2.10.010 City clerk—Appointed by mayor.**

It is determined that it is in the best interests of the city that the office of city clerk be filled by appointment by the mayor subject to confirmation by a majority vote of the city council. (Ord. 1011, 1994)



**Chapter 2.11****AIRPORT ADMINISTRATOR****Sections:**

- 2.11.010**      **Position created.**  
**2.11.020**      **Appointment by mayor.**

**2.11.010**      **Position created.**

There is created an ex officio unpaid volunteer position of Cle Elum airport administrator, whose responsibilities are to be defined in consultation with the city administrator or his or her designee, to whom the airport administrator shall report not less than quarterly each calendar year. (Ord. 1176 § 1, 2002)

**2.11.020**      **Appointment by mayor.**

The office of airport administrator shall be filled by appointment by the mayor subject to confirmation by a majority vote of the city council. (Ord. 1176 § 2, 2002)

**Chapter 2.12****MEAT INSPECTOR****Sections:**

- 2.12.010**      **Duties.**  
**2.12.020**      **Inspection duties and report.**  
**2.12.030**      **Milk cow—Inspection fee.**  
**2.12.040**      **Milk cow—Registration and inspection required.**  
**2.12.050**      **Milk cow—Right of entry to inspect.**  
**2.12.060**      **Compensation.**  
**2.12.070**      **Penalty for violation.**

**2.12.010**      **Duties.**

The meat inspector of the city shall perform the duties required in this chapter to be performed as inspector. (Ord. 252 § 1, 1928)

**2.12.020**      **Inspection duties and report.**

The inspector shall during the month of April of each year make an inspection of each cow the milk of which is sold or consumed within the city, and shall thereupon collect and turn over to the city clerk the inspection fee therefor, and at the first meeting of the city council thereafter make a complete report of inspections so made and moneys collected, and shall make to the city council, at its first regular meeting each month, a complete report of all his other acts as the inspector for the month immediately preceding. (Ord. 252 § 2, 1928)

**2.12.030**      **Milk cow—Inspection fee.**

The owner or owners of each milch cow, the milk of which is to be sold or consumed within the city, shall pay to the city an annual fee of one dollar and fifty cents for each such cow, the fee to be in full satisfaction of application of the tuberculin test to, and inspection of, the cow or cows. (Ord. 252 § 3, 1928)



**2.12.040 Milk cow—Registration and inspection required.**

The owner or owners of any cow, the milk of which is to be sold or consumed within the limits of the city shall, before selling or consuming the same, register with the city clerk and apply to have the cow or cows inspected by the inspector. (Ord. 252 § 4, 1928)

**2.12.050 Milk cow—Right of entry to inspect.**

The inspector shall have the right and authority to enter upon any premises within the city whereon is kept any milch cow or cows, and upon any premises outside the corporate limits of city whereon is kept any cow or cows the milk of which is sold within the city. (Ord. 252 § 5, 1928)

**2.12.060 Compensation.**

The meat inspector and inspector under this chapter shall receive, as full compensation for his services as prescribed by various ordinances of the city, all meat inspection fees only, collected by him up to and including the sum of one hundred twenty-five dollars per month, and all sums collected by him in excess of said amount shall be retained by the city. (Ord. 252 § 6, 1928)

**2.12.070 Penalty for violation.**

The violation of any of the provisions of this chapter shall be a misdemeanor and shall be punishable by a fine not exceeding one hundred dollars. (Ord. 252 § 7, 1928)

**Chapter 2.13**

**ENFORCEMENT HEARING EXAMINER**

**Sections:**

- 2.13.010 Purpose.**
- 2.13.020 Creation of code enforcement hearing examiner.**
- 2.13.030 Qualifications and appointments.**
- 2.13.040 Freedom from improper influence.**
- 2.13.050 Conflict of interest.**
- 2.13.060 Rules.**
- 2.13.070 Powers and duties.**
- 2.13.080 Appeal of examiner's decision.**
- 2.13.090 Report by the planning department.**
- 2.13.100 Examiner's decision—Findings required.**

**2.13.010 Purpose.**

The purpose of this chapter is to provide a system of code enforcement which will address the following objectives:

- A. The need to separate the application of regulatory controls from planning;
- B. The need to protect the health, safety and welfare of the community;
- C. The need to assure the principles of fairness and due process of law in regulatory enforcement;
- D. The need to provide a civil enforcement system as a means to enforce Cle Elum Municipal Code violations. (Ord. 1255 § 2 (Exh. B (part)), 2006)

**2.13.020 Creation of code enforcement hearing examiner.**

The office of code enforcement hearing examiner (hereafter "examiner") is created. The examiner shall act on behalf of the city in considering violations of the Cle Elum Municipal Code as provided in Section 2.13.070 of this chapter.

The office of land use hearing examiner shall be a separate position from the enforcement hearing examiner, although the same person may hold both of-

fices, appointment and terms. (Ord. 1255 § 2 (Exh. B (part)), 2006)

### **2.13.030 Qualifications and appointments.**

The examiner shall have demonstrated knowledge, skills, expertise and experience in matters of local and state land use law and its implementation, the Washington State Growth Management Act, and procedures for the conduct of administrative or quasi-judicial hearings on regulatory enactments. Examiners shall be appointed by the city mayor solely with regard to their qualifications. Examiners shall hold no other elective or appointive office or position in city or county government.

A. The examiner shall be appointed by the mayor and confirmed by a majority vote of the city council. The examiner shall be appointed solely with regard to his or her qualifications for the duties of the office and shall have such training or experience as will qualify him or her to discharge those duties.

B. The examiner shall hold no other appointive or elective office or position in the city except that the same person may also serve as land use hearing examiner.

C. The examiner shall be an independent contractor and not an employee of the city.

D. The terms of employment for the examiner shall be specified in a written agreement prepared by the city administrator and/or the city attorney and approved by the mayor and a majority vote of the city council. The agreement shall set forth the scope of work, the duration of the appointment, the procedure for removal, the amount of compensation, and such other provisions deemed appropriate.

E. Vacancies shall be filled in the same manner as initial appointments.

F. If the examiner disqualifies himself or herself, or is otherwise unable or unavailable to serve, the hearing shall be conducted by a pro tem examiner. The pro tem examiner shall be appointed and retained as provided in Section 2.13.030. The regular examiner shall be responsible for transferring any case to a pro tem examiner. (Ord. 1255 § 2 (Exh. B (part)), 2006)

### **2.13.040 Freedom from improper influence.**

No person, including city officials, elective or appointive, shall attempt to influence an examiner in any matter pending before him, except at a public hearing duly called for such purposes, or to interfere with an examiner in the performance of his duties in any other way; provided, that this section shall not prohibit the city attorney from rendering legal services to the examiner upon request or prohibit other persons or officials from responding in writing to requests for information from the examiner. (Ord. 1255 § 2 (Exh. B (part)), 2006)

### **2.13.050 Conflict of interest.**

No examiner shall conduct or participate in any hearing, decision or recommendation in which the examiner has a direct or indirect substantial financial or familial interest, or concerning which the examiner has had substantial prehearing contacts with proponents or opponents. An examiner shall abide by the applicable provisions of state law, Cle Elum Municipal Code and the appearance of fairness doctrine. (Ord. 1255 § 2 (Exh. B (part)), 2006)

### **2.13.060 Rules.**

The examiner shall have the power to prescribe rules for the scheduling and conduct of hearings and other procedural matters related to the duties of his office. (Ord. 1255 § 2 (Exh. B (part)), 2006)

### **2.13.070 Powers and duties.**

The examiner shall make final written decisions on civil infractions, penalties, fines, orders, and other matters as specified in CEMC Chapter 8.60 in the following cases:

A. Civil infractions for failure to comply with CEMC Chapter 5.02, Business License and Tax Regulations;

B. Civil infractions for failure to comply with CEMC Chapter 5.12, Public Dances;

C. Civil infractions for failure to comply with CEMC Chapter 5.16, Pawnbrokers and Secondhand Dealers;

D. Civil infractions for failure to comply with CEMC Chapter 5.20, Taxis;

E. Civil infractions for failure to comply with CEMC Chapter 6.04, Regulation of Animals and Fowl;

F. Civil infractions for failure to comply with CEMC Chapter 8.04, Manufacture, Storage, Preparation and Sale of Food;

G. Civil infractions for failure to comply with CEMC Chapter 8.08, Garbage Collection;

H. Civil infractions for failure to comply with CEMC Chapter 8.12, Nuisances;

I. Civil infractions for failure to comply with CEMC Chapter 8.16, Junk Vehicle and Hulks;

J. Civil infractions for failure to comply with CEMC Chapter 8.20, Junkyards;

K. Civil infractions for failure to comply with CEMC Chapter 8.32, Storing of Automobiles in Public and Private Garages;

L. Civil infractions for failure to comply with CEMC Chapter 8.36, Storage of Gasoline, Benzine or Naphtha;

M. Civil infractions for failure to comply with CEMC Chapter 8.40, Petroleum Fuel Burning Equipment;

N. Civil infractions for failure to comply with CEMC Chapter 8.44, Camping Within City Limits;

O. Civil infractions for failure to comply with CEMC Chapter 8.48, Television and Radio Antennas;

P. Civil infractions for failure to comply with CEMC Chapter 15.04, Building Code;

Q. Civil infractions for failure to comply with CEMC Chapter 15.06, Dangerous Buildings;

R. Civil infractions for failure to comply with CEMC Chapter 15.20, Sign Code;

S. Civil infractions for failure to comply with CEMC Chapter 15.22, Historic Preservation;

T. Civil infractions for failure to comply with CEMC Chapter 15.24, Flood Hazard Prevention;

U. Civil infractions for failure to comply with CEMC Chapter 15.28, Environmental Policy;

V. Civil infractions for failure to comply with CEMC Chapter 15.30, Grading, Excavation and Land Filling;

W. Civil infractions for failure to comply with CEMC Title 16, Subdivisions;

X. Civil infractions for failure to comply with CEMC Title 17, Zoning;

Y. Civil infractions for failure to comply with CEMC Title 18, Critical Areas Development. (Ord. 1255 § 2 (Exh. B (part)), 2006)

#### **2.13.080 Appeal of examiner's decision.**

The examiner's decision on all enforcement actions shall be final and conclusive unless an appeal is filed with superior court within twenty-one days of the notice of decision. The timely filing of any appeal shall stay the effective date of the examiner's decision until such time as the appeal is adjudicated by a competent court of jurisdiction or is withdrawn. (Ord. 1255 § 2 (Exh. B (part)), 2006)

#### **2.13.090 Report by the planning department.**

When such application has been set for public hearing, if required, the planning department shall coordinate and assemble the comments and recommendations of other city departments and other governmental agencies having an interest in the subject application and shall prepare a report summarizing the issues involved, planning department findings of fact, recommended conditions and/or recommended action. This report shall be transmitted to the examiner at least four calendar days prior to the scheduled hearing. Copies of this report shall be mailed to the applicant prior to the hearing and shall be made available to the public for the cost of reproduction prior to the scheduled hearing. (Ord. 1255 § 2 (Exh. B (part)), 2006)

#### **2.13.100 Examiner's decision—Findings required.**

Unless the time is extended pursuant to this section, within ten calendar days of the conclusion of a hearing, or the date set for submission of additional information pursuant to this chapter, the examiner shall render a written decision, including findings from the record and conclusions therefrom, and shall transmit a copy of such decision by regular mail, or in person, to the city of Cle Elum and file a copy of the decision with the court of competent jurisdiction.

The city of Cle Elum shall transmit the decision to all affected parties and other parties of record in the case who have requested notice of the decision at the public hearing. The person mailing the decision shall prepare an affidavit of mailing, in standard form, and the affidavit shall become a part of the record of the proceeding. (Ord. 1255 § 2 (Exh. B (part)), 2006)

## **Chapter 2.15**

### **FIRE DEPARTMENT**

#### **Sections:**

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

#### **2.15.010 Title.**

The fire department organized under the provisions of this chapter shall be known as the Cle Elum fire department. (Ord. 42 § 1, 1903)

#### **2.15.020 Charter—Required.**

Each company of the Cle Elum fire department as provided in this chapter shall receive a charter from the council signed by the mayor and clerk and sealed with the seal of the city. The charter shall give the names of the company, date of organization and names of its members. All names appearing on the charter shall be known as charter members of the “\_\_\_\_\_ Company.” (Ord. 42 § 2, 1903)



**2.15.030 Organization.**

The fire department shall consist of as many hose companies and hook and ladder companies, of not more than twenty members and not less than fifteen members, as may be organized in the manner provided in this chapter, with the approval of the council of the city. Each company shall elect a president, secretary and clerk and make bylaws for its own government. On the second Monday of January of each year each company shall elect a captain, who shall take charge of the company and cause the orders of the chief to be executed, and he shall also see that all apparatus belonging to his company is kept neat and clean and in order for immediate use. (Ord. 42 § 3, 1903)

**2.15.040 Chief—Election and duties generally.**

There shall be elected on the second Monday of January of each year by the members of the fire department, subject to the approval of the council of the city, a chief of the fire department, who shall hold office for the term of one year or until his successor is elected and qualified; provided, however, that C.H. Haines shall be chief of the fire department until the second Monday in January, 1904. The chief of the fire department shall have control of the department at all times, and all apparatus belonging to the department. It shall be his duty to see that all property belonging to the city, and used for the purposes of the fire department, is kept in good condition and ready for immediate use. He shall have sole command at fires over the members of the fire department while on duty, and shall have police powers at fires as ex officio marshal. He shall have power to make all necessary repairs and purchase all needed supplies; provided, however, that in case of the purchase of boses, hose carts or hydrants, he shall first obtain the consent of the city council. The chief shall have power to make rules for the government of the fire department, and can suspend any company or member thereof for insubordination pending an investigation as provided for in this chapter. (Ord. 42 § 4, 1903)

**2.15.050 Board of officers.**

The captain, treasurer and secretary of each company and the chief of the department shall constitute a board of officers, whose duty shall be to settle all disputes in the department, to organize new companies, with the consent of the council, at the recommendation of the chief, and designate who shall be charter members of the same; to investigate charges made against any company thereof and to expel any company or member thereof from the department. The chief shall be the presiding officer at the meetings of the board. (Ord. 42 § 5, 1903)

**2.15.060 Assistant chief.**

The chief of the department shall appoint an assistant chief whose duty shall be to assist the chief in the discharge of his duties at fires, and in the absence of the chief at fires to assume command and have all the powers of the chief. (Ord. 42 § 6, 1903)

**2.15.070 Command in absence of chief.**

In the absence of the chief and assistant chief, the fire captain at the fire shall assume command. (Ord. 42 § 7, 1903)

**2.15.080 Chief—Removal.**

The chief of the fire department may be impeached by a majority vote of the members of the fire department, subject to approval of the city council, and the chief may be removed from the council at any time for cause. (Ord. 42 § 8, 1903)

**2.15.090 Chief—Fire warden.**

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

**2.15.100 Charter—Names of members.**

The secretary of each company shall immediately present the city clerk a list of the names of the members of his respective company and receive a charter as provided in this chapter. Such charter shall be dated back to cover the entire service of each of the companies. (Ord. 42 § 10, 1903)



**2.15.110 Right of entry and appointment of special policemen.**

In all cases of fire within the limits of the city or within one mile thereof during the time of fire, the chief of the fire department of the city or his assistant or any other person in command thereof at the time, shall for the purpose of extinguishing, controlling or checking such fire, have the right to enter any part of any building or structure within the limits aforesaid, and do or cause to be done therein, any act or thing he may deem necessary, and in extreme cases of fire, to explode or otherwise remove, or cause the same to be done, any building or structure within the limits aforesaid, and during the time of fire such person shall have the right to appoint special policemen, who shall have authority to act as such without being sworn. (Ord. 113 § 1, 1909)

**2.15.120 Right-of-way.**

In all cases when the alarm of fire has been given, the fire department shall have the right-of-way, and any person or persons who wilfully hinder, delay or in any manner oppose any officer or member of the fire department of the city, while in the lawful performance of his duty in time of fire, shall be deemed guilty of a misdemeanor and be punished as provided in this chapter. (Ord. 113 § 2, 1909)

**2.15.130 False alarm prohibited.**

It is unlawful for any person to ring or cause to be rung the fire bell of the city on any occasion except for fire alarm, or in connection therewith under the direction of the chief of the fire department. (Ord. 113 § 3, 1909)

**2.15.140 Penalty for violation.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not exceeding one hundred dollars. (Ord. 113 (part), 1909)

**2.15.150 Equipment use outside city authorized.**

The mayor of the city, acting by and through the chief of the fire department, is authorized to dispatch and use the fire apparatus and equipment of the city, together with the fire department personnel operating the same, outside of the corporate limits of the city, for the purpose of rendering assistance to neighboring communities and areas in the event of a threatening conflagration or other dire emergency. Under no circumstances shall such fire apparatus and equipment be dispatched outside of the city to such an extent as to deplete existing available equipment or leave the city without adequate fire protection. (Ord. 577 § 1, 1962)

**2.15.160 Mutual aid agreements authorized.**

The mayor and the city clerk are authorized and directed to execute on the behalf of the city such mutual aid agreements with adjoining communities or areas maintaining and operating fire apparatus and equipment or with the Central Washington Firemen's Association as may be necessary or desirable to effectuate the orderly dispatch of the city fire apparatus and equipment outside of the city and the reciprocal dispatching of other apparatus and equipment into the city. (Ord. 577 § 2, 1962)

**2.15.170 Death and disability benefits—Authorized.**

On and after the effective date of Chapter 261, Laws of 1945, as contained in RCW Chapter 41.24, all firemen, including volunteers and fully paid, shall be entitled to the benefits of the death and disability provisions provided under Chapter 261, Laws of 1945, as contained in RCW Chapter 41.24. (Ord. 397 § 1, 1945)

**2.15.180 Death and disability benefits—Enrollment.**

The city clerk shall be the secretary-treasurer of the board of trustees created by said act and shall enroll each firemen under the death and disability provisions of said law. (Ord. 397 § 2, 1945)

**2.15.190 Number of members.**

The volunteer fire department personnel of the city shall not at any time exceed twenty-five firemen for each one thousand of population, or fraction thereof of the city's population; provided, that at no time shall the membership of the fire department be less than fifteen firemen. (Ord. 397 § 3, 1945)

**Chapter 2.18**

**USE OF CITY HALL AND FIRE STATION  
NO. 1**

**Sections:**

<b>2.18.010</b>	<b>Purpose.</b>
<b>2.18.020</b>	<b>Regulations governing use.</b>
<b>2.18.030</b>	<b>Smoking prohibited where gas or oil are stored.</b>
<b>2.18.040</b>	<b>Smoking prohibited to all.</b>
<b>2.18.050</b>	<b>Exemptions.</b>
<b>2.18.060</b>	<b>Penalty for violation.</b>

**2.18.010 Purpose.**

This chapter is passed to protect and regulate the use of the city hall and Fire Station No. 1 and to insure their availability for city governmental functions. (Ord. 451 § 1, 1950)

**2.18.020 Regulations governing use.**

No person shall use or loiter in the city hall and Fire Station No. 1 of the city, located on Lots Nine and Ten in Block Thirteen of the original city, or any part of the buildings located on said lots or use any part of said premises for recreational purposes or for purpose of holding any meeting or conducting any business therein, unless he has first obtained the permission of the city council. Such permission shall be evidenced by a written permit signed by the city clerk, which permit shall set forth the following information: the purpose of the use, the name of the user, the part of the building to be used and the specific time therefor. A signed written application shall first be submitted to the city council by the applicant setting forth said information, and if the council approves the application it shall direct the city clerk to issue the permit in writing, which permit must at all times be carried upon the person of the permit user during the period of use, and shall be exhibited to any officer, official or employee of the city upon demand. (Ord. 451 § 2 (part), 1950)

**2.18.030 Smoking prohibited where gas or oil are stored.**

Smoking is prohibited in the councilroom and library and in any room in the above described premises wherein any fire truck, automobile, tractor, truck, gasoline or oil is kept or stored. (Ord. 451 § 2 (part), 1950)

**2.18.040 Smoking prohibited to all.**

Notwithstanding Section 2.18.050, the prohibition against smoking contained in Section 2.18.030 shall apply to all persons, without exception. Notwithstanding the other provisions of this chapter, smoking is permitted in the councilroom of the city hall. (Ord. 475 § 1, 1951; Ord. 453 § 1, 1950; Ord. 451 § 6, 1950)

**2.18.050 Exemptions.**

This chapter shall not apply to the mayor, councilmen, clerk, treasurer, attorney, librarian, police judge, fire chief, health officer, policemen, or street and water commissioner of the city, while engaged in city business; nor to any employee of the city while so engaged and acting under the direction of any of the above named persons; nor to any member of the fire department while engaged in the necessary business of the fire department; nor to users of the city library during library hours; nor to persons having business with the police or the city clerk in their respective offices; nor to persons attending meetings of the city council or its committees. (Ord. 451 § 3, 1950)

**2.18.060 Penalty for violation.**

Any person, firm or corporation who violates or fails to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed one hundred dollars or imprisoned in the city jail for a period of not more than thirty days or both fined and imprisoned as provided in this section. Each violation shall be considered as a separate offense. (Ord. 451 § 4, 1950)

**Chapter 2.21**

**EQUAL OPPORTUNITY EMPLOYMENT POLICY**

**Sections:**

<b>2.21.010</b>	<b>Purpose.</b>
<b>2.21.020</b>	<b>Discrimination prohibited.</b>
<b>2.21.030</b>	<b>Hearing.</b>

**2.21.010 Purpose.**

It is the purpose and intent of this chapter that all persons shall have equal opportunity with respect to employment, employment opportunities, and all other activities of the city. (Ord. 684 § 1, 1974)

**2.21.020 Discrimination prohibited.**

Discrimination against any applicant for employment, or against any employee, officer, agent, or any other person with respect to any and all employment, contracts, activities and functions of the city, on the basis of race, color, age, sex, religion, national origin or minority status is expressly prohibited. (Ord. 684 § 2, 1974)

**2.21.030 Hearing.**

Any person who feels he or she has been discriminated against, contrary to this chapter, shall have a direct appeal, either orally or in writing, to the city council of the city, and the city council shall afford such person a full and fair hearing on the subject. (Ord. 684 § 3, 1974)

## Chapter 2.24

### POLICE DEPARTMENT

#### Sections:

- 2.24.010      Establishment of civil service.**
- 2.24.020      Adoption of civil service statutes by reference.**
- 2.24.030      Eligibility of police officers for salary step increases.**

#### **2.24.010      Establishment of civil service.**

The city council acknowledges the fact that there are now and have been for more than six months continuously last past three full-time police officers, including the chief of police, employed by the city in the city police force, although one of them has not been so named or labeled. This city, having three fully paid policemen, should provide for civil service in the police department and should create a civil service commission. This is necessary in order to have a stable, well-trained and efficient police department. (Ord. 656 § 1, 1971)

#### **2.24.020      Adoption of civil service statutes by reference.**

Chapter 41.12 of the Revised Code of the State of Washington is adopted and incorporated in the ordinance codified in this chapter by this reference. At least three copies of RCW Chapter 41.12 are now on file in the office of the Cle Elum city clerk and shall be kept permanently on file there for use and examination by the public. For purposes of this chapter, any and all references to the date Chapter 41.12 RCW takes effect, in RCW 41.12.060 and any other sections of said Chapter 41.12, shall mean the date the ordinance codified in this chapter takes effect. (Ord. 656 § 2, 1971)

#### **2.24.030      Eligibility of police officers for salary step increases.**

A. Time volunteered as a police reserve volunteer, or worked as a provisional police officer, for the city of Cle Elum, shall be included in calculating eligibility for salary step increases.

B. This policy applies only to individuals who move directly from service in either a reserve or provisional capacity into full time permanent employment by the city as a police officer.

C. The maximum credit for time served as either a reserve or provisional officer shall not exceed one year's equivalent of full time employment, consisting of two thousand eighty hours.

D. This new policy shall be effective for all eligible current employees as of May 1, 2007, even though this section becomes effective after said date. (Ord. 1274 §§ 1—4, 2007)

**Chapter 2.27****POLICE CIVIL SERVICE****Sections:**

- 2.27.010      Police force personnel.**
- 2.27.020      Civil service commission.**

**2.27.010      Police force personnel.**

The police force shall consist of the chief of police, an assistant chief of police, and at least one other policeman, all of whom shall be full-time, fully paid policemen, and such temporary or special policemen as may be necessary, in order to provide required police protection for the city, its citizens, and their properties. (Ord. 656 § 3, 1971)

**2.27.020      Civil service commission.**

A civil service commission as provided in RCW Chapter 41.12 is created for the city. (Ord. 656 § 4, 1971)





**Chapter 2.30****SURETY BONDS****Sections:****2.30.010 Source.****2.30.010 Source.**

Every person, firm or corporation that may hereafter be required for any purpose whatsoever, to give a bond to the city, is required to furnish bond from some reliable surety company. (Ord. 31 § 1, 1902)

**Chapter 2.33****WORK HOURS FOR CITY EMPLOYEES  
AND OFFICERS****Sections:****2.33.010 Work hours.****2.33.010 Work hours.**

Except in cases of extreme emergency, no employee, officer or agent of the city, except police officers and the street and water superintendent or foreman shall work, or be requested or required to work, more than eight hours in any work day or more than forty hours in any work week, as such work day and work week are now or hereafter defined under the Wage and Hour Act of the state; and the police officers and street and water superintendent or foreman shall not work, or be requested or required to work, more than eight hours in any such work day or more than forty-eight hours in any such work week. Except in cases of extreme emergency, work in excess of the designated number of hours by such persons is prohibited, and the city shall incur no obligation thereby and shall make no payment therefor, and no person shall have the authority to obligate the city therefor. This section is not limited to the year 1959. (Ord. 549 § 2, 1959)

**Chapter 2.36****OVERTIME SALARIES****Sections:**

- 2.36.010**      **Overtime salaries.**  
**2.36.020**      **Separate itemized vouchers required.**

**2.36.010**      **Overtime salaries.**

The city street and water foreman and the city chief of police shall be paid such wage or salary as may be set from time to time in the city budgets for regular daytime work on Monday through Saturday of each week; provided, that for arranging and supervising city emergency work which must be performed between the hours of six p.m. and six a.m. at night, and any hours on Sundays, and which cannot because of its emergency nature be deferred to normal work periods, they shall receive overtime pay as follows: the street and water foreman shall be paid an overtime wage seventy-five cents in excess of the hourly overtime wage of the highest paid worker working under him in his department; and the chief of police shall be paid an overtime wage seventy-five cents in excess of the hourly overtime wage of the highest paid policeman working under him in the police department. (Ord. 642 § 1, 1971)

**2.36.020**      **Separate itemized vouchers required.**

No payment for such overtime work shall be made by the city unless and until a separate itemized voucher for each emergency has been submitted to the city council and audited and approved by the city council. (Ord. 642 § 2, 1971)

**Chapter 2.39****SOCIAL SECURITY SYSTEM****Sections:**

- 2.39.010**      **Protection of employees.**  
**2.39.020**      **Coverage.**  
**2.39.030**      **Plans required.**  
**2.39.040**      **Contribution of funds.**  
**2.39.050**      **Implementation.**

**2.39.010**      **Protection of employees.**

The legislature of the state of Washington has enacted a statute known as Chapter 184, Laws of 1951, as codified in RCW Chapter 41.48, which, in conjunction with the amendment of the Federal Social Security Act by the Congress of the United States, enables the political subdivisions of the state of Washington to take all action necessary of effectuate the coverage of their employees and officers under the federal old age and survivors' insurance system. It is believed that protection of the Social Security System will greatly benefit the employees of the city, and also this municipality by attracting to it and enabling it to retain the best of personnel and thus increase the efficiency of its government. And it is deemed that the payment by the municipality of its portion of the cost of said system is a payment for a municipal purpose. (Ord. 471 § 1, 1951)

**2.39.020**      **Coverage.**

The city hereby becomes a participant in the Social Security System, and extends to its employees and officers the benefits of old age and survivors' insurance. (Ord. 471 § 2, 1951)

**2.39.030**      **Plans required.**

The mayor and the city clerk are authorized to execute and deliver to the Washington Department of Employment Security for its approval the plan or plans required under the provisions of Section 5 of the enabling act and of the Social Security Act to extend coverage to the employees and officers of

this municipality, and to do all other things necessary to that end. (Ord. 471 § 3, 1951)

#### **2.39.040 Contribution of funds.**

The proper fiscal officers of this city are authorized to make all required payments into the contribution fund established by the enabling act, and to establish such system of payroll deductions from the salaries of employees and officers as may be necessary to their coverage under the old age and survivors' insurance system. (Ord. 471 § 4, 1951)

#### **2.39.050 Implementation.**

The proper officials of this city are authorized and instructed to do all things necessary to the continued implementation of said system. (Ord. 471 § 5, 1951)

### **Chapter 2.42**

#### **RETIREMENT SYSTEM**

##### **Sections:**

<b>2.42.010</b>	<b>Participation.</b>
<b>2.42.020</b>	<b>Members.</b>
<b>2.42.030</b>	<b>Copy filed.</b>
<b>2.42.040</b>	<b>Prior service credit.</b>
<b>2.42.050</b>	<b>Basis of coverage.</b>
<b>2.42.060</b>	<b>Basis of compensation.</b>

##### **2.42.010 Participation.**

The city has elected and does elect to participate as a member of Statewide City Employees Retirement System for pension, relief, disability, and retirement for the employees of the city as provided by RCW Chapter 41.44; that all employees and officials of the city shall be included in the system provided that no elective official shall be included unless said official so elects and files a written notice of such election with the board of trustees of the pension system and with the city clerk. (Ord. 635 § 1, 1969)

##### **2.42.020 Members.**

The number of employees and officials, other than elective officials, who shall be included as members of the pension system is approximately five. (Ord. 635 § 2, 1969)

##### **2.42.030 Copy filed.**

A certified copy of the ordinance codified in this chapter shall be transmitted to the Board of Trustees of the Statewide System as evidence of an election of the city to join the Pension System. (Ord. 635 § 3, 1969)

##### **2.42.040 Prior service credit.**

The basis for prior service credit shall be 1.33 percent of final compensation known as "Full Prior Service Credit." (Ord. 635 § 4, 1969)

**2.42.050 Basis of coverage.**

The basis for social security coverage will be coordination. (Ord. 635 § 5, 1969)

**2.42.060 Basis of compensation.**

The basis for contribution shall be full compensation. (Ord. 635 § 6, 1969)

**Chapter 2.45**

**PUBLIC LIBRARY**

**Sections:**

- |                 |                           |
|-----------------|---------------------------|
| <b>2.45.010</b> | <b>Established.</b>       |
| <b>2.45.020</b> | <b>Board of trustees.</b> |
| <b>2.45.030</b> | <b>Free to public.</b>    |

**2.45.010 Established.**

There is established in the city a public library, which shall be called the Cle Elum Public Library. (Ord. 150 § 1, 1914)

**2.45.020 Board of trustees.**

The management and control of the library shall be vested in a board of five trustees who shall be appointed by the mayor, with the consent of the city council, and who shall hold their terms of office, and have the power to do all acts and things necessary to the management, custody and control of the library, as provided by the laws of the state. (Ord. 150 § 2, 1914)

**2.45.030 Free to public.**

The library shall be forever free for the use of the inhabitants of the city, subject to such reasonable rules and regulations as the trustees may find necessary. (Ord. 150 § 3, 1914)

## Chapter 2.48

## CITY CEMETERIES

## Sections:

2.48.010	Cemetery names.
2.48.020	Cemetery advisory board.
2.48.030	Cemetery plat and records.
2.48.040	Cemetery sexton.
2.48.050	General regulations.
2.48.060	Shrubs prohibited in designated areas.
2.48.070	Monument compliance.
2.48.080	Prohibited items.
2.48.090	Heavy vehicles prohibited on grounds.
2.48.100	Responsibility for damage.
2.48.110	Animals prohibited.
2.48.120	Lot care by owners.
2.48.130	Disturbing the peace.
2.48.140	Vehicle regulations.
2.48.150	Signs prohibited.
2.48.160	Firearms prohibited.
2.48.170	Malicious mischief.
2.48.180	Interments.
2.48.190	Use of lots.
2.48.200	Purchase of lots.
2.48.210	Burial permit required.
2.48.220	Permission from city clerk or sexton.
2.48.230	Records.
2.48.240	Proof of ownership.
2.48.250	Transfer of lots.
2.48.260	Direction of burials and funerals.
2.48.270	Lot sizes.
2.48.280	Depth of graves.
2.48.290	Disinterments.
2.48.300	Plantings.
2.48.310	Grade of lots.
2.48.320	Marker permit.
2.48.330	Memorial placement.
2.48.340	Removal of headstone or other structures.

2.48.350	Appearance regulations.
2.48.360	Flat markers required.
2.48.370	Upright headstones.
2.48.380	Corner markers.
2.48.390	Markers in garden sections.
2.48.400	Lot care.
2.48.410	Construction material cleanup.
2.48.420	Flat markers—Size and materials.
2.48.430	Graves space size.
2.48.440	Grave liners required.
2.48.450	Flower holders.
2.48.460	Temporary marker replacement.
2.48.470	Development of cemeteries.
2.48.480	Cemetery charges.
2.48.550	Deeds or certificates of ownership.
2.48.560	Liability of the city.
2.48.570	Penalty for violation.

## 2.48.010 Cemetery names.

Laurel Hill Cemetery shall hereafter also be known as Laurel Hill Memorial Park. That portion of Laurel Hill Cemetery called "The Odd Fellows Cemetery," shall hereafter be also known as the Garden of Devotion. Any new cemetery areas hereafter developed shall be known as garden sections and designated by appropriate name at time of platting or development. (Ord. 558 § 1, 1960)

## 2.48.020 Cemetery advisory board.

A. For the purpose of assisting and advising the council and officials of the city in the management and operation of the above mentioned cemetery and any other cemetery or cemeteries that have been or may be acquired or created by the city, a cemetery advisory board shall be appointed by the mayor. This board shall consist of at least five members, all of whom must be residents of the city. Although the city council shall not be bound to accept the recommendations of the board, it shall nevertheless give serious consideration to all such recommendations.

B. The term for which the first members of the cemetery advisory board are appointed shall vary

from one to five years, so that the term of only one member of the board will expire each year. Thereafter the persons appointed to the board shall be appointed for a term of five years. Vacancies on the board shall be filled by appointment of the mayor, to fill the unexpired terms.

C. The members of the cemetery advisory board shall not receive any compensation for their services as a member of the board. However, expenses incurred by the board, or any member thereof, in connection with their service as members of the board, shall upon approval by the city council be paid from the cemetery improvement fund. (Ord. 558 § 2, 1960)

#### **2.48.030 Cemetery plat and records.**

There shall be kept in the office of the city clerk and also in the office of the cemetery sexton an accurate and permanent record of the ownership of lots in the cemetery and the status of such lots, showing all transfers of lots, the names and addresses of the owners, the lots in which interments have been made and the names of the persons interred, and such other information as may be deemed advisable. The city clerk and the cemetery sexton shall each keep in their records a plat or plats, accurate and up to date, of all city cemeteries. This duplication of cemetery records is necessary to insure at all times the preservation of accurate cemetery information. (Ord. 558 § 3, 1960)

#### **2.48.040 Cemetery sexton.**

A. The direction of funerals, while within the cemetery, and the care and maintenance of the cemetery shall be under the supervision of the cemetery sexton, and the cemetery sexton, together with the police force of the city and such other persons as may be designated by the city, shall maintain order, and enforce the cemetery rules and regulations and the laws of the state and the ordinances of the city within the cemetery and within such radius as may be necessary to protect the cemetery property.

B. The sexton, superintendent or other person in charge of the cemetery, and such other persons as may be designated by the city authorities, are by the

law of the state and this chapter given the authority of a police officer for the purpose of maintaining order, enforcing the cemetery rules and regulations, and enforcing the laws of the state and the ordinances of the city within the city cemeteries and within such radius thereof as may be necessary to protect the cemetery property.

C. The cemetery sexton shall be appointed by the mayor with the approval of the city council. The compensation to be paid for such services shall be determined by the city council.

D. The city clerk and the cemetery sexton shall promptly notify each other of all matters brought to their attention which alter or affect the permanent records to be maintained by them. (Ord. 558 § 4, 1960)

#### **2.48.050 General regulations.**

The rules and regulations set out in this chapter and subsequent ordinances and as determined by motion or resolution of the city council shall govern Laurel Hill Memorial Park and all other cemeteries now owned or hereafter acquired by the city. The city expressly reserves the right to make from time to time such additional rules and regulations as may be deemed desirable in the public interest. (Ord. 558 § 5(1), 1960)

#### **2.48.060 Shrubs prohibited in designated areas.**

No tree, shrub or plant shall be planted, placed or kept on any lot or in any other part of the cemeteries except in areas designated by the city for planting or keeping thereof, and any tree, shrub or plant planted or kept or maintained in violation of this section shall be summarily removed by the sexton with such other city help as is necessary, and the cost of removal shall be paid by the offending person or persons. (Ord. 558 § 5(2), 1960)

#### **2.48.070 Monument compliance.**

No monument, structure, effigy, inscription, sign, placard or thing shall be placed, kept or maintained upon any lot or any other cemetery area except as specifically authorized by the ordinances, rules and

regulations of the city, and if anything is placed or kept or maintained in violation thereof the sexton shall, with such other city help as is necessary, summarily remove the same, and the cost of removal shall be paid by the offending person or persons. (Ord. 558 § 5(3), 1960)

#### **2.48.080 Prohibited items.**

A. Hereafter the installation or use of any of the following items on or around any grave, lot or plot in any part or section of the city cemeteries is prohibited:

1. Cement or stone or marble chips, or any other covering except grass lawn;
2. Curbing, coping or fencing of any kind;
3. Anything projecting above the surface of the ground or lawn, except as allowed in Section 2.48.360.

B. Any such items already installed or maintained in the city cemeteries may be retained, subject to the provisions of Section 2.48.340, wherein the city reserves the right to exclude or remove the same. (Ord. 564 §§ 1, 2, 1961)

#### **2.48.090 Heavy vehicles prohibited on grounds.**

Heavily loaded vehicles and other heavy or sharp objects or things which will mark, damage or tear up the grounds shall not be allowed within the cemetery areas without written permission of sexton. (Ord. 558 § 5(5), 1960)

#### **2.48.100 Responsibility for damage.**

Every person entering any city cemetery area shall be responsible for all damage done by him or by any vehicle, person, animal or thing in his charge. (Ord. 558 § 5(6), 1960)

#### **2.48.110 Animals prohibited.**

No animal shall be taken into or allowed to enter any cemetery area. (Ord. 558 § 5(7), 1960)

#### **2.48.120 Lot care by owners.**

All lot owners who have not paid for lot care shall be required to care for their individual lots and to maintain them in a neat and attractive manner in accordance with the cemetery rules and regulations. No openings shall be made in any lots or grave spaces which are not cared for or maintained as required in this section. (Ord. 558 § 5(8), 1960)

#### **2.48.130 Disturbing the peace.**

Any person disturbing the quiet or good order of the cemetery by noises or disorderly or improper conduct, or who violates any of the rules or regulations pertaining to the cemeteries, will be ejected from the cemeteries, and the sexton or other person in charge of the cemetery is vested with full police power to arrest any offender. (Ord. 558 § 5(9), 1960)

#### **2.48.140 Vehicle regulations.**

No vehicle shall be driven in any part of the cemeteries except on the driveways laid out for that purpose or on unimproved property; be driven in the cemeteries at a speed exceeding fifteen miles per hour, or be driven or parked in the cemeteries between the hours of nine p.m. and eight a.m. of each night, except law enforcement vehicles or city maintenance vehicles. (Ord. 558 § 5(10), 1960)

#### **2.48.150 Signs prohibited.**

Signs and advertisements of every description are strictly prohibited in the cemeteries, except as necessary for cemetery regulation by the city. (Ord. 558 § 5(11), 1960)

#### **2.48.160 Firearms prohibited.**

No person shall take any firearm or gun inside the cemeteries. This restriction shall not apply to those participating in a military funeral, or to law enforcement officers. (Ord. 558 § 5(12), 1960)

#### **2.48.170 Malicious mischief.**

A. The following acts are prohibited, and every person is guilty of malicious mischief who unlaw-

fully or without right wilfully does any of the following:

1. Destroys, cuts, mutilates, effaces, or otherwise injures, tears down or removes, any tomb, plot, monument, memorial, or marker in the city cemeteries, or any gate, door, fence, wall, post or railing, or any enclosure for the protection of the cemeteries or any property therein;

2. Destroys, cuts, breaks, removes or injures any building, statuary, ornamentation, tree, shrub, flower or plant within the cemeteries;

3. Disturbs, obstructs, detains or interferes with any person carrying or accompanying human remains to a cemetery or funeral establishment, or engaged in a funeral service, or an interment.

B. The foregoing provisions relating to malicious mischief do not apply to the removal or unavoidable breakage or injury, by the city or its agents or employees, of anything placed in or upon any portion of the city cemeteries in violation of any of the rules or regulations of the city, nor to the removal of anything placed in the cemeteries by or with the consent of the city which has become in a wrecked, unsightly or dilapidated condition. (Ord. 558 § 6, 1960)

#### **2.48.180 Interments.**

No interment shall be allowed or made in any lot for which the city has not been paid the full purchase price prior to interment. In the event of death of any member of his immediate family, a person purchasing lots on a time-payment plan shall have the right to use a lot included in such purchase at any time hereafter for interment purposes, provided the prorated purchase price of the portion of the burial space to be used first has been paid to the city. (Ord. 558 § 7(1), 1960)

#### **2.48.190 Use of lots.**

Lots are sold for the purpose of burial of the human dead only. (Ord. 558 § 7(2), 1960)

#### **2.48.200 Purchase of lots.**

Lots may be purchased at the office of the city sexton or of the city clerk or from such professional developer as may be authorized by the city to make such sales. (Ord. 558 § 7(3), 1960)

#### **2.48.210 Burial permit required.**

No burial will be permitted in the cemeteries without a proper burial permit as required by the laws of the state. (Ord. 558 § 7(4), 1960)

#### **2.48.220 Permission from city clerk or sexton.**

No burial will be permitted in the cemeteries without written permit from the city clerk or cemetery sexton. At the time permission is requested, the name, age, place and date of birth, place and date of death, color, sex and last address of the person to be interred shall be given to the city clerk or cemetery sexton. (Ord. 558 § 7(5), 1960)

#### **2.48.230 Records.**

A record shall be kept of all remains interred or cremated. In each case, the date of interment or cremation and the name and address of the funeral director, in addition to the information mentioned above, shall be kept as part of the record of the interment. (Ord. 558 § 7(6), 1960)

#### **2.48.240 Proof of ownership.**

On the death of any owner of a lot, or lots, in the cemeteries, the heirs, assignees or devisees of the decedent must furnish to the city satisfactory proof of ownership of any such lot or lots before further interments can be made. (Ord. 558 § 7(7), 1960)

#### **2.48.250 Transfer of lots.**

No transfer of any lot or any interest therein will be valid without the consent of the city being first had and endorsed upon such transfer, and a record thereof entered on the books of the city. (Ord. 558 § 7(8), 1960)



**2.48.260 Direction of burials and funerals.**

Within the cemetery areas all funerals will be subject to the control and direction of the sexton. All interments must be made under the direction of the sexton, who will have the entire control of the digging of graves, and all other matters relating to burials. (Ord. 558 § 7(9), 1960)

**2.48.270 Lot sizes.**

No grave shall be dug less than six inches from the boundary line of the lot, and graves on lots shall be so arranged as not to present a crowded or irregular appearance. Mounds over new graves must be kept low, not over five inches in height. (Ord. 558 § 7(10), 1960)

**2.48.280 Depth of graves.**

All graves in the city cemeteries must be dug deep enough so that there will be room for a cover of at least three feet of earth between the top of the graveliner and the ground level. (Ord. 584 § 2, 1963; Ord. 558 § 18, 1960)

**2.48.290 Disinterments.**

No disinterment will be allowed without a written permit from the registrar of the district in which the city cemeteries are located, and without the written permission of the city and of the lot owner or his heirs or assignees and of the nearest kin to the deceased, and all such disinterments shall be under the direction and supervision of the cemetery sexton, except that disinterments will be allowed when made pursuant to an order of a court of record, in which case receipts for the remains must be given. (Ord. 558 § 8, 1960)

**2.48.300 Plantings.**

In order to secure the best general appearance, the city requires that all planting and keeping of shrubs and plants in the cemeteries shall be done only in accordance with the established plan under the direction of the cemetery sexton, with his approval and in such places only as he may designate pursuant to such plan. (Ord. 558 § 9(1), 1960)

**2.48.310 Grade of lots.**

No lot shall be raised above the contour of the surrounding grade of the cemetery grounds, as established. To insure the proper development of the grounds, the grade of lots will be determined by the city. (Ord. 558 § 9(2), 1960)

**2.48.320 Marker permit.**

No monument company nor any other person or entity, including but not restricted to relatives of persons buried in the city cemeteries, shall place any grave marker or monument on any grave or any other point in the city cemeteries without first obtaining a permit from the sexton permitting the placement of such grave marker or monument and without having first paid a marker placement fee of twenty-five dollars. The placement fee shall be required prior to placement of the marker. (Ord. 833 § 1, 1984; Ord. 558 § 9(3), 1960)

**2.48.330 Memorial placement.**

If anyone wishes to place a bench, fountain, tree, shrub, plant, or other suitable memorial in the cemetery, that may be done only with the permission of the city, and the city shall decide where the same is to be located. (Ord. 558 § 9(4), 1960)

**2.48.340 Removal of headstone or other structures.**

The city reserves the right to exclude or remove from any lot or other cemetery area any headstone, monument or other structure, tree, plant, or any object whatever which may conflict with the regulations of the cemeteries, or which the city may consider injurious to the general appearance of the grounds. (Ord. 558 § 9(5), 1960)

**2.48.350 Appearance regulations.**

The city reserves the right to lay out, alter or vacate avenues or walks, to establish the grades of avenues, walks and lots, and to change these rules and regulations in such manner as may be deemed requisite and proper by the city to secure and promote the general objectives and best interests and appearance of the cemeteries, and no notice of such

intended actions shall be required. (Ord. 558 § 9(6), 1960)

#### **2.48.360 Flat markers required.**

All monuments or markers hereafter placed upon any grave in the cemeteries shall be what are commonly known as flat markers, and shall be set flush with the contour of the ground; with the exception that upright stones may be used in areas so designated by the city for this type of stone. (Ord. 558 § 9(7), 1960)

#### **2.48.370 Upright headstones.**

In those limited parts of cemetery sections where upright headstones have already been permitted and installed prior to the passage of the ordinance codified in this chapter, other upright headstones will be permitted. All upright stones shall be located at the head of each grave space or plot and such installation shall be at the expense of the lot owner. A six-inch border, three inches in thickness, composed of concrete, shall be poured at the base of each stone, and the top of this border shall be flush with the cemetery grade level as established by the city. A fee of ten dollars shall be paid the city for permission to install each upright headstone, before such installation will be allowed. (Ord. 558 § 9(8), 1960)

#### **2.48.380 Corner markers.**

All corner markers shall be placed by the city at the expense of the lot owner, and only if corner markers are desired by the lot owner. Corner markers designating the corners of lots or plots shall be no smaller than four inches by four inches, and no larger than six inches by six inches, and shall have a one-inch concrete border surrounding them with a thickness of not less than three inches. These markers must be flat and placed to the established ground grade level. (Ord. 558 § 9(9), 1960)

#### **2.48.390 Markers in garden sections.**

All grave markers within garden sections of the cemeteries shall be flat and flush with the ground, surrounded by a two-inch border of concrete three

inches in thickness, and shall be installed by the city at the expense of the lot owner. (Ord. 558 § 9(10), 1960)

#### **2.48.400 Lot care.**

All grave spaces within garden sections will be sold only with lot care included. (Ord. 558 § 9(11), 1960)

#### **2.48.410 Construction material cleanup.**

No materials used in or resulting from grave or lot work or improvement thereof shall be allowed to remain in the cemetery longer than shall be strictly necessary, and all refuse and unused materials must be removed immediately upon completion of the work or improvement, and in no case longer than shall be strictly necessary. In case of neglect, such items will be removed by the city at the expense of the lot owner. (Ord. 558 § 9(12), 1960)

#### **2.48.420 Flat markers—Size and materials.**

Flat grave markers shall not be less than twelve inches by twenty-four inches in size, nor more than fourteen inches by thirty-six inches in size, and shall be installed upon individual grave space. When double markers for marking two grave spaces are desired, a minimum size of twelve inches by thirty-six inches and a maximum size of fourteen inches by seventy-two inches will be allowed. All flat markers must be of bronze alloy, aluminum alloy, granite or marble. Markers made of entire concrete composition will not be allowed. All flat markers shall have a concrete border as above described. (Ord. 558 § 9(13), 1960)

#### **2.48.430 Graves space size.**

Grave spaces for adult burial shall be not less than three and one-half feet in width and nine feet in length. Grave spaces for infants shall be not less than three and one-half feet in width and five feet in length. Infant burials requiring a grave space exceeding three and one-half feet by five feet shall be considered adult burials, and adult interment space shall be used. (Ord. 558 § 9(14), 1960)

**2.48.440 Grave liners required.**

Concrete grave liners or vaults are mandatory for all adult burials. (Ord. 558 § 9(15), 1960)

**2.48.450 Flower holders.**

All containers used for the holding of flowers shall be of reversible nature so that when empty they may be recessed to ground level. All containers recessed in the ground without vase shall be required to have a steel lid attached by chain to cover the recess. The sexton shall be notified of such installation prior thereto. The city reserves the right to remove any such installation that does not conform to the city's rules and regulations governing the same. (Ord. 558 § 9(16), 1960)

**2.48.460 Temporary marker replacement.**

All temporary markers shall be removed from grave spaces within thirty days after interment has been made. Grave spaces thereafter shall be marked only by permanent type markers as described in this chapter. (Ord. 558 § 9(17), 1960)

**2.48.470 Development of cemeteries.**

It is the city plan to develop the cemeteries in a continuous care manner, seeded to lawn, and presenting an attractive appearance. To facilitate this plan it is necessary that the regulations set out in this chapter be strictly enforced. (Ord. 558 § 9(18), 1960)

**2.48.480 Cemetery charges.**

The following schedule of charges shall be effective hereafter for all cemeteries of the city.

1. Residents. Grave spaces with lot care and services for residents within the corporate boundaries of the city of Cle Elum:

- a. Adult grave spaces: six hundred dollars per space;
- b. Infant and child grave spaces: three hundred dollars per space;
- c. Cremains space: two hundred dollars per space;
- d. Opening and closing a grave space: five hundred fifty dollars per space;

e. Opening and closing cremains space, includes liner: two hundred fifty dollars per space.

2. City Nonresident, Cle Elum-Roslyn School District Residents. Grave spaces with lot care and services for those persons who reside outside the corporate boundaries of the city but within the Cle Elum-Roslyn School District boundaries:

- a. Adult grave spaces: seven hundred fifty dollars per space. Infant and child grave spaces: three hundred seventy-five dollars per space;
- c. Cremains space: three hundred dollars per space;
- d. Opening and closing a grave space: six hundred dollars per space;

e. Opening and closing cremains space, includes liner: two hundred fifty dollars per space.

3. City and Cle Elum-Roslyn School District Nonresidents. Grave spaces with lot care and services for those persons who reside outside the corporate boundaries of the city and outside the boundaries of the Cle Elum-Roslyn School District.

- a. Adult grave spaces: one thousand dollars per space;
- b. Infant and child grave spaces: five hundred dollars per space;
- c. Cremains space: four hundred dollars per space;
- d. Opening and closing a grave space: six hundred fifty dollars per space;
- e. Opening and closing cremains space, includes liner: two hundred fifty dollars per space.

4. Residency. Those persons who reside in the city prior to taking residence in a nursing home, convalescent center, or hospital for a period of twenty-four months prior to death are considered residents for purposes of this section.

5. The fees enumerated above shall be increased by two percent every year for three years, the first increase beginning one year after the effective date of the ordinance codified in this section, unless this section of the ordinance codified in this section is hereafter repealed or amended. (Ord. 1108 § 1, 1999; Ord. 1060 §§ 1 — 3, 1997; Ord. 1055 § 1, 1997; Ord. 558 § 10, 1960)

**2.48.550 Deeds or certificates of ownership.**

Upon payment in full of all charges for lots, including lot care if this has been contracted for, the city shall give to the purchaser a deed or certificate of ownership to the burial lot or plot in question, subject to all existing and future cemetery rules and regulations. If the purchaser has purchased lot care, the city shall in the deed or certificate of ownership agree to furnish lot care to the lot or lots described in the deed or certificate, subject to the limitations set out in Section 2.48.560. The deeds or certificates shall state that no sale or transfer thereof or of the property therein described shall be valid or binding until approved by the city and recorded in the city cemetery records. (Ord. 558 § 12, 1960)

**2.48.560 Liability of the city.**

The city shall in nowise be liable for any of the funds except a misappropriation thereof, and shall not have power to bind the city or the fund for any further liability than whatever net interest may be actually realized from such investments, and shall not be liable to any particular person for more than the proportionate part of such net earnings. This limitation on liabilities shall be set out in all deeds or certificates of ownership issued for cemetery lots. (Ord. 558 § 13, 1960)

**2.48.570 Penalty for violation.**

Any person convicted of violating any of the provisions of this chapter shall be punished by a fine of not more than three hundred dollars, or imprisonment for not more than ninety days, or both such fine and imprisonment. (Ord. 558 § 15, 1960)

**Chapter 2.51****AIRPORT PROPERTY REGULATIONS****Sections:**

- 2.51.010 Police authority same as in city.**
- 2.51.020 Ordinances applicable to airport property.**
- 2.51.030 Rubbish.**
- 2.51.040 Animals prohibited.**
- 2.51.050 Fires and fire hazards.**
- 2.51.060 Hunting prohibited.**
- 2.51.070 Vehicles prohibited.**
- 2.51.080 Unauthorized personnel.**
- 2.51.090 Damage or destruction of properties.**
- 2.51.100 Traffic pattern.**
- 2.51.110 Penalty for violation.**

**2.51.010 Police authority same as in city.**

For the purpose of this chapter the police and firemen of the city shall have the same authority and jurisdiction over the airport properties generally described as the Southeast Quarter of Section Thirty, in Township Twenty North, Range Sixteen EWM, in Kittitas County, as the police and firemen have within the city limits of the city. And for all purposes of this chapter, the airport properties shall be considered and treated as if lying within the limits of the city, insofar as the application and enforcement of this chapter is concerned. (Ord. 643 § 1, 1971)

**2.51.020 Ordinances applicable to airport property.**

The following existing ordinances of the city shall apply to the airport property and be in full force and effect there: Ordinance 23, dealing generally with affrays and disorderly conduct, as codified in Chapters 9.04, 9.12 and 9.40; Ordinance 436, affrays and disorderly conduct, as codified in Chapters 9.04, 9.12 and 9.40; Ordinance 448, prohibiting discharges of guns, as codified in Chapter 9.44; Ordinance 484, prohibiting use of and furnishing of

intoxicating liquors to minors, as codified in Chapter 9.36; and Ordinance 517, nuisances in general, as codified in Chapter 8.20. (Ord. 643 § 2, 1971)

#### **2.51.030 Rubbish.**

No rubbish, garbage, bottles, cans or other debris shall be deposited upon or allowed to remain upon the airport property. (Ord. 643 § 3, 1971)

#### **2.51.040 Animals prohibited.**

No animals of any kind shall be taken upon or allowed to remain upon the airport property because of the danger to themselves and to aircraft. In particular, no horses, mules, donkeys or cows shall be taken upon or allowed to go upon the airport landing and taxi strips at any time, and the fine for violation of this express provision, notwithstanding any other provision of this chapter, shall be not less than fifty dollars per animal per violation. (Ord. 643 § 4, 1971)

#### **2.51.050 Fires and fire hazards.**

No open fires, and no explosive or combustible materials (excepting gasoline, oil and cleaning and lubrication agents for aircraft) shall be taken or kept upon the airport property; provided, supervised burning of weeds and trash by sanctioned official airport personnel or city firemen, police or employees, is permissible. (Ord. 643 § 5, 1971)

#### **2.51.060 Hunting prohibited.**

All forms of hunting of any and all kinds are prohibited on the airport property. (Ord. 643 § 6, 1971)

#### **2.51.070 Vehicles prohibited.**

Except upon the roadway and parking area outside the landing field itself, no motorcycles, automobiles or other vehicles of any kind excepting aircraft shall be allowed upon the airport property unless on sanctioned official business in the management and operation of the airport. (Ord. 643 § 7, 1971)

#### **2.51.080 Unauthorized personnel.**

No persons shall go in, upon or near aircraft, hangars, airport buildings, equipment, machinery or vehicles, excepting the owners or occupants of the items mentioned in this section, or their passengers or guests, or officials or employees of the city or the airport operator engaged in official business in the management and operation of the airport. (Ord. 643 § 8, 1971)

#### **2.51.090 Damage or destruction of properties.**

No person shall in any way damage or destroy any aircraft, hangar, fence, gate, building, lighting system, wiring, pipe, equipment, vehicle, or other property on the airport property. (Ord. 643 § 9, 1971)

#### **2.51.100 Traffic pattern.**

The airport traffic pattern shall be eight hundred feet above ground level, with a left pattern when landing or taking off to the west, and a right pattern when landing or taking off to the east. (Ord. 643 § 10, 1971)

#### **2.51.110 Penalty for violation.**

Each person, firm, or corporation convicted of violating any of the provisions of this chapter shall be punished by a fine not exceeding three hundred dollars or imprisoned for not more than ninety days or both fined and imprisoned. (Ord. 643 § 11, 1971)

## Chapter 2.53

### MUNICIPAL COURT

#### Sections:

<b>2.53.010</b>	<b>Creation and name of court.</b>
<b>2.53.020</b>	<b>Jurisdiction.</b>
<b>2.53.030</b>	<b>Penalties.</b>
<b>2.53.040</b>	<b>Pleadings, practice and procedure.</b>
<b>2.53.050</b>	<b>Judges—Appointment and qualifications.</b>
<b>2.53.055</b>	<b>Court commissioners—Appointment and qualifications.</b>
<b>2.53.060</b>	<b>Oath of office.</b>
<b>2.53.070</b>	<b>Salaries of the municipal court judge.</b>
<b>2.53.080</b>	<b>Judges pro tem.</b>
<b>2.53.090</b>	<b>Vacancies.</b>
<b>2.53.100</b>	<b>Sessions of the court.</b>
<b>2.53.110</b>	<b>Jury fees.</b>
<b>2.53.120</b>	<b>Seal of the court.</b>
<b>2.53.130</b>	<b>Criminal process.</b>
<b>2.53.140</b>	<b>Transition.</b>

#### **2.53.010 Creation and name of court.**

There is created pursuant to the Court Improvement Act of 1984, Chapter 258, Laws of 1984, and RCW Chapter 3.50, as amended by the Court Improvement Act of 1984, a municipal court of the city of Cle Elum, which will be entitled "The Municipal Court of the City of Cle Elum," which court shall have jurisdiction and exercise all powers authorized by RCW Chapter 3.50, as amended by the Court Improvement Act of 1984, Chapter 258, Laws of 1984, together with such other powers and jurisdictions as are generally conferred upon such a court in the state of Washington, either by common law or by express statute. (Ord. 819 § 1 (part), 1984)

#### **2.53.020 Jurisdiction.**

The municipal court of the city shall have exclusive original jurisdiction over traffic infractions arising under city ordinances, and exclusive original

criminal jurisdiction of all violations of city ordinances duly adopted by the city, and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures, declared or given by such ordinances or by state statutes. The municipal court of the city is empowered to forfeit cash, bail, or bail bonds, and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith. (Ord. 819 § 1 (part), 1984)

#### **2.53.030 Penalties.**

Every person convicted by the municipal court of a violation of the criminal provisions of an ordinance for which no punishment is specifically prescribed in the ordinance, shall be punished by a fine of not more than five thousand dollars. (Ord. 819 § 1 (part), 1984)

#### **2.53.040 Pleadings, practice and procedure.**

Pleadings, practice and procedure in cases not governed by statutes or rules specifically applicable to municipal courts shall, insofar as applicable, be governed by the statutes and rules now existing, or hereafter adopted, governing pleadings, practice and procedure applicable to district courts of the state. (Ord. 819 § 1 (part), 1984)

#### **2.53.050 Judges—Appointment and qualifications.**

A. The mayor of the city shall appoint, subject to confirmation by the city council, a municipal judge for a term of four years. The term of a judge serving on the effective date of the ordinance codified in this chapter and of the municipal judge who is appointed to a term commencing before January 1, 1986, shall expire January 1, 1986. The term of his successor shall commence on January 1, 1986, and on January 1st of each fourth year thereafter. Appointment shall be made on or before December 1st of the year next preceding the year in which the term commences.

B. The person appointed as a municipal judge shall be a citizen of the United States of America, and of the state of Washington. (Ord. 819 § 1 (part), 1984)

#### **2.53.055 Court commissioners—**

##### **Appointment and qualifications.**

One or more court commissioners may be appointed by the city municipal judge. Each commissioner shall hold office at the pleasure of the appointing judge. A commissioner authorized to hear or dispose of cases must be a lawyer who is admitted to practice law in the state or a nonlawyer who has passed a qualifying examination for lay judges for courts of limited jurisdiction pursuant to RCW 3.34.060.

A court commissioner need not be a resident of the city. (Ord. 1042, 1996)

#### **2.53.060 Oath of office.**

Every judge of the municipal court, before entering upon the duties of the office, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington, that I will faithfully discharge the duties of the office of Judge of the Municipal Court of the City of Cle Elum according to the best of my ability." The oath shall be filed in the office of Kittitas County auditor. The judge shall also give a bond to the city of Cle Elum for the faithful performance of the judge's duties, in the amount of one thousand dollars. (Ord. 819 § 1 (part), 1984)

#### **2.53.070 Salaries of the municipal court judge.**

The salary of the municipal court judge shall be fixed annually by the budget ordinance of the city. All costs of operating the municipal court, including but not limited to the salary of the judge and court employees, dockets, books of record, forms, furnishings and supplies, shall be paid wholly out of the funds of the city. (Ord. 819 § 1 (part), 1984)

#### **2.53.080 Judges pro tem.**

The mayor shall in writing, appoint judges pro tem, who shall act in the absence or disability of the regular judge of the municipal court, or subsequent to the filing of an affidavit of prejudice. The judges pro tem shall qualify to hold the position of judge of the municipal court, as provided herein. The municipal court judge pro tem shall receive compensation equal to that of the regular municipal court judge, prorated to the actual days of service as a judge pro tem. The term of employment of judges pro tem shall be specified in writing, but shall in any event not extend beyond the term of the appointing mayor. (Ord. 819 § 1 (part), 1984)

#### **2.53.090 Vacancies.**

Any vacancy in the municipal court due to the death, disability, or resignation of the municipal court judge shall be filled by appointment of the mayor, subject to confirmation by the city council, for the remainder of the unexpired term. The appointed judge shall be qualified to hold the position of judge of the municipal court as provided in this chapter. (Ord. 819 § 1 (part), 1984)

#### **2.53.100 Sessions of the court.**

The municipal court shall be open and shall hold such regular and special sessions as may be prescribed by the city council; provided, that the municipal court shall not be opened on nonjudicial days. (Ord. 819 § 1 (part), 1984)

#### **2.53.110 Jury fees.**

Jurors serving as jurors shall be entitled to be paid ten dollars for each day in attendance upon the municipal court, and in addition thereto, shall receive mileage at the rate as determined by RCW 43.03.060, or as hereafter amended. (Ord. 819 § 1 (part), 1984)

#### **2.53.120 Seal of the court.**

The municipal court shall have a seal which shall be the vignette of George Washington, with the words "Seal of the Municipal Court of the City of

Cle Elum, State of Washington," surrounding the vignette. (Ord. 819 § 1 (part), 1984)

### **2.53.130 Criminal process.**

All criminal process issued by the municipal court shall be in the name of the state of Washington, and shall run throughout the state, and be directed to and served by the chief of police, marshal, or other police officer of any city, or to any sheriff in the state. (Ord. 819 § 1 (part), 1984)

### **2.53.140 Transition.**

The enactment of this chapter shall not affect any case, proceeding, appeal, or other matter pending in the police court operated by the city under RCW 35.24.450 through 35.24.480 on July 1, 1984. This chapter shall not have the effect of terminating or in any way modifying any right or liability, civil or criminal, which may be in existence on July 1, 1984. The municipal court of the city shall operate as the police court for all matters pending on July 1, 1984, and shall continue to hear all of those pending proceedings until all are completed. (Ord. 819 § 1 (part), 1984)

## **Chapter 2.55**

### **SWIMMING POOL BOARD**

#### **Sections:**

- 2.55.010 City council determination.**
- 2.55.020 Appointment—Membership—Authority.**
- 2.55.030 Term—Vacancy filling.**
- 2.55.040 Expenses.**

#### **2.55.010 City council determination.**

The city council determines it to be in the best interest of the city that a board be appointed for the purpose of seeing to the day-to-day operations of the city swimming pool. (Ord. 821 § 1, 1984)

#### **2.55.020 Appointment—Membership—Authority.**

For the purpose of assisting and advising the council and officials of the city in the management and operation of the swimming pool, a swimming pool operations board shall be appointed by the mayor and confirmed by the city council. This board shall consist of at least five members, who need not be residents of the city. The board shall be responsible for the day-to-day operations of the Cle Elum swimming pool and shall have the authority, subject to ratification by the city council, to adopt rules and regulations with respect to the operation of the swimming pool. (Ord. 821 § 2, 1984)

#### **2.55.030 Term—Vacancy filling.**

The term for which the first members of the swimming pool board shall be appointed, shall vary from one to five years, so that the term of only one board member will expire each year. Thereafter, the persons appointed to the board shall be appointed for a term of five years. Vacancies on the board shall be filled by appointment of the mayor, ratified by the city council, to fill unexpired terms. (Ord. 821 § 3, 1984)



**2.55.040 Expenses.**

The members of the Cle Elum swimming pool board shall not receive any compensation for their services as a member of such board. However, expenses incurred by the board or any member thereof, in connection with their services as a member of the board, shall upon approval by the city council be paid from the swimming pool fund. (Ord. 821 § 4, 1984)

**Chapter 2.60****HEARINGS EXAMINER****Sections:**

<b>2.60.010</b>	<b>Purpose.</b>
<b>2.60.020</b>	<b>Creation of hearings examiner office.</b>
<b>2.60.030</b>	<b>Appointment.</b>
<b>2.60.040</b>	<b>Qualifications.</b>
<b>2.60.050</b>	<b>Compensation.</b>
<b>2.60.060</b>	<b>Authority.</b>
<b>2.60.070</b>	<b>Conflict of interest, appearance of fairness and freedom from improper influence.</b>
<b>2.60.080</b>	<b>Duties of the examiner.</b>
<b>2.60.090</b>	<b>Procedures.</b>
<b>2.60.100</b>	<b>Hearing conduct.</b>

**2.60.010 Purpose.**

The purposes of this chapter are to establish a hearing examiner system to review certain type of project permits and appeals in the city of Cle Elum, to ensure procedural due process, to provide greater separation from the legislative decisions on land use regulations and administration of land use regulations, and to provide for a process that is effective for such matters as may be assigned to the hearing examiner's jurisdiction. (Ord. 1138 § 1, 2001)

**2.60.020 Creation of hearings examiner office.**

The office of hearings examiner of the city of Cle Elum, hereinafter referred to as "examiner," is hereby created. (Ord. 1138 § 1, 2001)

**2.60.030 Appointment.**

The examiner shall be appointed by the mayor, subject to confirmation by the city council. Such appointment may be in one-year increments and may be by professional service contract. (Ord. 1138 § 1, 2001)

**2.60.040 Qualifications.**

The examiner shall be appointed solely with regard to his or her qualifications and experience to

carry out the duties of the office, including conducting administrative and quasi-judicial hearings on regulatory enactments and to discharge the other functions granted thereto. Examiners shall hold no other elective or appointive office or position in city government. (Ord. 1138 § 1, 2001)

#### **2.60.050 Compensation.**

The examiner shall be engaged by written contract, and shall be compensated on such basis, whether hourly or by case as the city council may determine in approving the contract. The estimated amount for the examiner to conduct any hearing and make a decision or recommendation on any matter shall be included in the fee deposit required by CEMC 16.48, and it shall be the responsibility of the applicant for any permit, approval, or appeal to pay for the actual cost of the examiner's service unless otherwise determined by the city council. (Ord. 1138 § 1, 2001)

#### **2.60.060 Authority.**

The authority of the examiner to make hearings and make decisions or recommendations is prescribed in other titles of the Cle Elum Municipal Code. The city council may also grant to the examiner the authority to hear special cases or issues not otherwise granted by this title. (Ord. 1138 § 1, 2001)

#### **2.60.070 Conflict of interest, appearance of fairness and freedom from improper influence.**

A. No examiner may conduct or participate in any hearing in which the examiner has a direct or indirect personal or financial interest in which might interfere with the examiner's ability to make a fair and impartial decision or recommendation. Actual or potential conflict of interest shall be disclosed to the city, the applicant and other parties upon discovery of such conflict. If a conflict of interest is present the remainder of the issue being considered by the examiner shall be conducted by a different examiner or body.

B. No person shall attempt to interfere with or improperly influence the examiner in the performance of his or her designated duties.

C. The Appearance of Fairness Doctrine, RCW 42.36 as amended, shall apply to all proceedings performed by the examiner. (Ord. 1138 § 1, 2001)

#### **2.60.080 Duties of the examiner.**

The examiner shall receive and examine available information, conduct public hearings and enter findings of fact and conclusions of law, together with a decision or recommendation, as prescribed by other titles of this code. (Ord. 1138 § 1, 2001)

#### **2.60.090 Procedures.**

The examiner shall follow the procedures ordinance established by Chapter 17.100 in the performance of his or her established duties. (Ord. 1138 § 1, 2001)

#### **2.60.100 Hearing conduct.**

The examiner may establish reasonable procedural and conduct rules for public hearings not inconsistent with any other provision of Cle Elum Municipal Code. (Ord. 1138 § 1, 2001)

## **Title 3**

### **REVENUE AND FINANCE**

#### **Chapters:**

- 3.04 Finance Committee**
- 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**
- 3.36 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 Fund**
- 3.56 Library 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**
- 3.72 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 Fund for the Purchase of Police Vehicles and Vehicle Equipment**
- 3.92 Water Rehabilitation Fund**

<b>3.94</b>	<b>Water/Sewer Reserve Fund</b>
<b>3.96</b>	<b>Police Department Equipment Reserve Fund</b>
<b>3.98</b>	<b>Fireman Park Improvement Fund</b>
<b>3.100</b>	<b>Coal Mine Trail Fund</b>
<b>3.102</b>	<b>Drug Enforcement Fund</b>
<b>3.104</b>	<b>Bullfrog Shortfall Accounting Fund</b>
<b>3.106</b>	<b>General Obligation Debt Service Fund</b>
<b>3.108</b>	<b>HP Fishery Replacement Fund</b>
<b>3.112</b>	<b>Technology Reserve Fund</b>

**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 3.08****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. 944 § 1, 1991; Ord. 692 § 1, 1975) (Ord. No. 1285, § 1, 2-12-2008)

**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 CITY

#### Sections:

- 3.20.010** All claims or demands to be audited.
- 3.20.020** Audit procedure.
- 3.20.030** Auditing committee.
- 3.20.040** Reimbursement claims by officers and employees.
- 3.20.050** Payrolls and wage claims.

#### **3.20.010** All claims or demands to be audited.

All claims, demands and requests for payment from the city shall first be audited in accordance with the procedures set out in this chapter before payment is made. (Ord. 693 § 1, 1975)

#### **3.20.020** Audit procedure.

All claims, demands and requests for payment (all of which are in this chapter referred to as "claims") shall be prepared for audit and payment on a form and in the manner prescribed by the Division of Municipal Corporations in the State Auditor's office in accordance with RCW 42.24.080, and no claim shall be paid without being authenticated or certified by the proper officer. Prior to council action upon any claim, the claim shall be submitted to the auditing committee for its approval or rejection. No claim shall be paid until it has first been approved for payment by the votes of at least four councilmen. (Ord. 693 § 2, 1975)

#### **3.20.030** Auditing committee.

The mayor shall appoint an auditing committee consisting of three council members. If any member of the auditing committee is absent at a council meeting, the mayor or presiding officer shall appoint another councilman to serve pro tem at the meeting in place of the absent auditing committee member. The council shall not be bound by rejection of a claim by the auditing committee and may pass or allow the claim over such objection; however, the council

shall, before allowance, scrutinize very closely any claim rejected by the auditing committee. (Ord. 693 § 3, 1975)

#### **3.20.040** Reimbursement claims by officers and employees.

No claim for reimbursement of any expenditures by officers or employees of the city for transportation, lodging, meals or any other purpose shall be allowed unless they are presented in a detailed account. The council may allow reimbursement of the actual expenses incurred, as itemized, or may, in lieu of actual expenses compute the rates for such reimbursements on a mileage, hourly, per diem or other basis as the council shall deem proper in each instance. If not based on actual itemized expenses, the reimbursement may be computed on a mileage rate of twelve cents per mile for use by an officer or employee of his personal automobile or other transportation equipment in connection with officially assigned duties and other travel for approved public purposes. Each claim shall be duly certified by the claimant on the claim form and in the manner prescribed by the Division of Municipal Corporations in the office of the State Auditor, as prescribed by RCW 42.24.090. Advancements for travel expenses may be made only in strict compliance with RCW 42.24.120 through RCW 42.24.160. (Ord. 693 § 4, 1975)

#### **3.20.050** Payrolls and wage claims.

Notwithstanding the foregoing, payroll warrants may be issued and wage claims paid as provided in Chapter 3.12. (Ord. 693 § 5, 1975)

**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 li-

cense 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:**

<b>3.28.010</b>	<b>Levied.</b>
<b>3.28.020</b>	<b>Rate.</b>
<b>3.28.030</b>	<b>Exemption.</b>
<b>3.28.040</b>	<b>Collection.</b>
<b>3.28.050</b>	<b>Contract with state authorized.</b>

**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:**

<b>3.30.010</b>	<b>Definitions.</b>
<b>3.30.020</b>	<b>Findings.</b>
<b>3.30.030</b>	<b>Adoption of registration system.</b>
<b>3.30.040</b>	<b>Registration—Requirement and method.</b>
<b>3.30.060</b>	<b>Registrar—Appointment, powers and duties.</b>
<b>3.30.070</b>	<b>Statement of transfer restrictions.</b>

### **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 3.36

#### 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 FUND**

##### **Sections:**

- |                 |                 |
|-----------------|-----------------|
| <b>3.52.010</b> | <b>Created.</b> |
| <b>3.52.020</b> | <b>Use.</b>     |

#### **3.52.010 Created.**

There is created for the city a separate fund which shall be a cumulative reserve fund and shall be entitled "fire department automotive apparatus cumulative reserve fund." (Ord. 1175, § 2, 2002; Ord. 1032, 1995; Ord. 576 § 1, 1962)

#### **3.52.020 Use.**

The moneys in this 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. 1175, § 3, 2002; Ord. 576 § 2, 1962)

**Chapter 3.56****LIBRARY 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 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. 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 history: 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:

<b>3.68.010</b>	<b>Room tax—Imposition.</b>
<b>3.68.020</b>	<b>Definitions.</b>
<b>3.68.030</b>	<b>Administration and collection.</b>
<b>3.68.040</b>	<b>Tourist support fund— Created—Expenditures.</b>

#### **3.68.010 Room tax—Imposition.**

Commencing April 3, 2001, for the purposes set forth in RCW 67.28.210 there is hereby imposed and levied a special excise tax of three percent on the sale of or charge made for the furnishing of lodging by a hotel, roominghouse, tourist court, motel, trailer camp and granting of any 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. 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 3.72**

**WATER AND SEWER UTILITY TAX**

**Sections:**

<b>3.72.010</b>	<b>Imposed.</b>
<b>3.72.020</b>	<b>Collection.</b>
<b>3.72.030</b>	<b>Disposition and expenditure of funds.</b>

**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.**
- 3.76.020**      **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. 851 § 1, 1986)

**3.76.020      Collection.**

The tax imposed under Section 3.76.020 shall be collected from persons who are taxable by the state under RCW Chapter 82.45 upon the occurrence of any taxable event within the city. (Ord. 851 § 2, 1986)

**3.76.030      Compliance with state law.**

The tax imposed under Section 3.76.010 shall comply with all applicable rules, regulations, law and court decisions regarding real excise taxes imposed by the state under RCW Chapter 82.45. (Ord. 851 § 3, 1986)

**3.76.040      Use of proceeds.**

The distribution of the proceeds of the tax imposed in Section 3.76.010 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 Section 3.76.010, the city treasurer shall deposit the receipted funds into the capital improvement fund of the city. (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 FUND FOR THE PURCHASE OF POLICE VEHICLES AND VEHICLE EQUIPMENT****Sections:**

- 3.90.010**      **Fund for purchase of police vehicles—Created.**  
**3.90.020**      **Deposit of moneys into fund.**  
**3.90.030**      **Accumulation of moneys in fund—Maximum amount.**

**3.90.010**      **Fund for purchase of police vehicles—Created.**

There is created for the city a separate police vehicle fund which shall be a cumulative reserve fund and shall be entitled "cumulative reserve fund for the purchase of police vehicles and vehicle equipment." (Ord. 1003 § 1, 1994)

**3.90.020**      **Deposit of moneys into 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 fund on an ongoing basis effective May 1, 1994. (Ord. 1003 § 2, 1994)

**3.90.030**      **Accumulation of moneys in fund—Maximum amount.**

The moneys in the cumulative reserve fund shall be allowed to accumulate and used for the purpose from year to year until the fund is terminated by appropriate ordinance of the city. The maximum amount to accumulate in this fund is twenty-five thousand dollars. (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 FUND****Sections:****3.94.010 Fund created—Sources—  
Purpose—Uses.****3.94.010 Fund created—Sources—Purpose—  
Uses.**

A. Sources. There is created a fund to be known as the "Water/Sewer Reserve Fund" into which shall be paid a monthly charge of five dollars and fifty-six cents for every water utility account, paid in addition to the rates and charges identified in Section 13.12.100 of the Cle Elum Municipal Code, and a sewer reserve charge in an amount identified in subsection F of Section 13.08.370 of the Cle Elum Municipal Code.

B. Purposes. This fund is established to account for funds which are intended to be used for water/sewer improvements.

C. Uses. Expenditures from this fund shall be used solely for improvements to the water/sewer system of the city.

D. Said enterprise fund shall be classified as 406 in the city of Cle Elum's governmental accounting system. (Ord. 1204 § 7, 2003; Ord. 1019 § 2, 1995; Ord. 1004 § 1, 1994)  
(Ord. No. 1291, § 1, 4-22-2008)

**Chapter 3.96****POLICE DEPARTMENT EQUIPMENT  
RESERVE FUND****Sections:****3.96.010 Established.****3.96.010 Established.**

A. The city council recognizes that various items of capital equipment utilized by the city police department and provided for in the current fund, will, within the foreseeable future, require replacement.

B. There is established a fund to be designated the "Police Department Equipment Reserve Fund." Into such fund shall be placed such funds as the city council shall from time to time determine to be used for the purposes of replacing capital equipment of the city police department presently provided for in the current fund budget. (Ord. 925 § 1, 1990)

**Chapter 3.98****FIREMAN PARK IMPROVEMENT FUND  
Sections:****3.98.010 Fund created—Sources.****3.98.020 Purposes.****3.98.030 Uses.****3.98.010 Fund created—Sources.**

There is created a fund to be known as the "Fireman Park Improvement Fund" into which shall be paid all funds received by the city for any source, designated for improvement of Fireman Park. (Ord. 990 § 1, 1993)

**3.98.020 Purposes.**

This fund is established to account for all funds received which are intended to be used for improvement of Fireman Park. (Ord. 990 § 2, 1993)

**3.98.030 Uses.**

Expenditures from this fund shall be used solely for improvement of Fireman Park. (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)





**Title 4**

**(Reserved)**



## **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 or business tax required.**
- 5.02.020 Conclusive presumption of engaging in business or profession.**
- 5.02.030 License—Application.**
- 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.**

\* Prior ordinance history: Ords 443, 494, 571, 647, 672, 703, 837, 844 and 885.

**5.02.010 Business license or business tax required.**

It is unlawful for any person, firm or corporation, excepting a wholesaler, to conduct or carry on any

business or practice any profession in the city, without first securing a license to do so and paying a license fee as provided in this chapter.

For the purpose of this chapter, "wholesaler" means a person, firm or corporation which deals exclusively with retail business establishments and sells them goods, wares and merchandise for resale. Those businesses and professions whose licensing and control is preempted by the state shall not be subject to licensing by the city; however, such businesses for purpose of revenue shall pay to the city a business tax in the sum of twenty-five dollars per calendar year or part thereof during which such business is conducted in the city. It shall not be unlawful to conduct any such preempted business or profession without paying the tax, the city council stating that it is not the purpose of the city to license or regulate such business or profession. However, any person, firm or corporation failing to pay such tax in advance for the tax period, when due, shall be subject to the penalty provided in Section 5.02.220. (Ord. 1249 (Exh. A (part)), 2006)

**5.02.020 Conclusive presumption of engaging in business or profession.**

Every person, firm or corporation who for pay, hire or profit furnishes the materials or machinery or equipment to be used in carrying out any work, business or profession and uses, applies or operates such materials, machinery or equipment therein, whether for wages, unit prices, total job price, or otherwise, in the city, shall be conclusively presumed to be conducting or carrying on a business or practicing a profession in the city for the purpose of this chapter. This conclusive presumption is in addition to, and not in limitation or restriction of, any and all other circumstances or presumptions with respect to conducting, carrying on, or engaging in a business or profession. (Ord. 1249 (Exh. A (part)), 2006)

**5.02.030 License—Application.**

Application for the license shall be made in writing to the city clerk upon a form provided by the clerk, and the applicant shall at the same time deposit with the clerk in advance the license fee herein re-

quired. The clerk shall thereupon issue a license certificate to the applicant. (Ord. 1249 (Exh. A (part)), 2006)

#### **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 follows:

1. For every business employing one to two persons, twenty-five dollars per annum or any part thereof;
2. For every business employing three to five persons, fifty dollars per annum or any part thereof;
3. For every business employing six to twelve persons, seventy-five dollars per annum or any part thereof;
4. For every business employing thirteen to twenty-five persons, one hundred twenty-five dollars per annum or any part thereof;
5. For every business employing twenty-six to fifty persons, two hundred twenty-five dollars per annum or any part thereof;
6. For every business employing fifty-one or more persons, three hundred twenty-five dollars per annum or any part thereof;
7. Relocation or change fee, twenty-five dollars;
8. Mall/market license, primary manager/owner fifty dollars; each booth or participant, twenty-five dollars.

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 the following fees:

1. Solicitor's one day license, first day, ten dollars; each day thereafter, seven dollars and fifty cents;
2. Annual solicitor's license, twenty-five dollars;
3. Weekend (booth fee), fifteen dollars per three-day weekend. (Ord. 1249 (Exh. A (part)), 2006)

#### **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 (part)), 2006)

#### **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 (part)), 2006)

#### **5.02.070 License—Transferability.**

No license issued under this chapter shall be transferable or assignable. (Ord. 1249 (Exh. A (part)), 2006)

#### **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 (part)), 2006)

**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 Section 5.02.010, secure from the city clerk a license for each such table the fee for which shall be fifteen dollars per table for each calendar year or any part thereof. (Ord. 1249 (Exh. A (part)), 2006)

**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 Section 5.02.010, secure from the city clerk a license for such table, device or machine. The license fee shall be fifteen dollars per table, device or machine for each calendar year or any part thereof. (Ord. 1249 (Exh. A (part)), 2006)

**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 (part)), 2006)

**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 (part)), 2006)

**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 (part)), 2006)

**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 (part)), 2006)

**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 (part)), 2006)

**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 (part)), 2006)

**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. (Ord. 1249 (Exh. A (part)), 2006)

**5.02.180 Licenses in lieu hereof.**

The ordinances codified in Chapters 5.08 and 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. 1249 (Exh. A (part)), 2006)

**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 (part)), 2006)

**5.02.200 Violation—Penalty.**

See CEMC Chapter 8.60 (Code Enforcement). (Ord. 1249 (Exh. A (part)), 2006)

**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 (part)), 2006)



**Chapter 5.04****UTILITY OCCUPATION TAX****Sections:**

5.04.010	<b>Authority.</b>
5.04.020	<b>Definitions.</b>
5.04.030	<b>License—Required.</b>
5.04.040	<b>Levied.</b>
5.04.050	<b>Taxes due and payable.</b>
5.04.060	<b>Losses.</b>
5.04.070	<b>Records.</b>
5.04.080	<b>Debt.</b>
5.04.090	<b>Refunds.</b>
5.04.100	<b>Penalty for violation.</b>
5.04.110	<b>Annexations.</b>
5.04.120	<b>Administration.</b>

**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. (Ord. 812 § 1 (part), 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 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. (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 intra-state 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. (Ord. 872 § 1, 1987; Ord. 812 § 1 (part), 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 DANCES\*****Sections:**

<b>5.12.010</b>	<b>License—Required.</b>
<b>5.12.020</b>	<b>License—Fees.</b>
<b>5.12.030</b>	<b>Penalty for violation.</b>
<b>5.12.040</b>	<b>Liability.</b>

\* 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. (Ord. 1249 (Exh. A (part)), 2006)

**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 twenty-five 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. 1249 (Exh. A (part)), 2006)

**5.12.030 Penalty for violation.**

See CEMC Chapter 8.60 (Code Enforcement). (Ord. 1249 (Exh. A (part)), 2006)

**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 (part)), 2006)

**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 (part), 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 (part), 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 (part), 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 (part), 1992)

lars for each such offense. (Ord. 965 § 1 (part), 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 dol-

**Chapter 5.20****TAXIS****Sections:**

5.20.010	<b>Definitions.</b>
5.20.020	<b>Owner license—Required.</b>
5.20.030	<b>Owner license—Application—Contents.</b>
5.20.040	<b>Owner license—Application—Investigation.</b>
5.20.050	<b>Owner license—Fee.</b>
5.20.060	<b>Operator license—Required.</b>
5.20.070	<b>Operator license—Application—Contents.</b>
5.20.080	<b>Operator license—Application—Investigation.</b>
5.20.090	<b>Operator license—Fees.</b>
5.20.100	<b>Rate schedule.</b>
5.20.110	<b>License—Revocation.</b>
5.20.120	<b>License—Suspension.</b>
5.20.130	<b>Penalty for violation.</b>

**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. (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 (part), 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 (part), 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 (part), 1947)

## Chapter 5.24

## ADULT ENTERTAINMENT

## Sections:

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

**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 (part), 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. (Ord. 1248 § 1 (part), 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 (part), 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 em-

ployment 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 applica-

tion. 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 (part), 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 (part), 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 (part), 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 re-

quirements 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 (part), 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 (part), 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 (part), 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 (part), 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 (part), 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, conducting 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 (part), 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 (part), 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 (part), 2006)



**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 Tag and collar.
- 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 Animals and fowl not to be permitted at large.
- 6.04.070 Excessive noise by animals 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:

	<b>Neutered Male or Spayed Female</b>	<b>Unneutered Male or Unspayed Female</b>
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 Tag and collar.**

Upon payment of the license fee, the city clerk shall issue to the owner or the custodian a license receipt and a metal tag for each dog so licensed. The tag shall have stamped thereon the word "Cle Elum," the date of expiration, the words "dog license," and the number corresponding with the number on the receipt. Every owner or custodian must provide each dog with a collar to which the license tag must be securely fastened, and must see that the collar and tag are constantly worn by the dog. In case a dog tag is lost or destroyed, a dupli-

cate will be issued by the city clerk upon presentation of a receipt showing the payment of the license fee for the current year and the payment of a one-dollar fee for each duplicate. Dog tags shall not be transferable from one dog to another and no refund shall be made on any dog license fee because of death of the dog or for any other reason. (Ord. 822 § 2, 1984; Ord. 651 § 4, 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.**

Any person, or owner or custodian keeping, having charge of, harboring or feeding more than four animals of any one kind, more than three months of age in the city, shall be presumed to be in the business of raising such animals commercially and must obtain a thirty-five-dollar annual business license and comply with all appropriate zoning ordinances, in addition to the specific annual animal's licenses required by the city. No person, firm or corporation shall keep, care or harbor or feed within the city any cattle or horses exceeding two in number. Any violation of this section is declared to be a public nuisance and adverse to the public health, safety and welfare. (Ord. 822 § 3, 1984; Ord. 651 § 6, 1971)

#### **6.04.060 Animals and fowl not to be permitted at large.**

No owner or custodian of any animal or fowl shall permit the same to go at large. A violation of this section is declared to be a nuisance and dangerous to the public health, safety and welfare. (Ord. 651 § 2, 1971)

**6.04.070 Excessive noise by animals or fowl prohibited.**

No owner or custodian of any animal or fowl shall permit same to remain outside of the dwelling of such owner or custodian or outside the closed building where the animals or fowl are kept while any such animal or fowl is causing excessive or frequent noises which disturbs 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. 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 (part), 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 (part), 1989)

**6.04.083 Barns, corrals and enclosures.**

No person shall keep, use or maintain any live-stock 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 (part), 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 (part), 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 (part), 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 (part), 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 (part), 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 (part), 1989)

**6.04.089 Cruelty to animals.**

A. Injuring Animal with Vehicle. No person shall wilfully 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 twenty-four 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 wilfully 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. Wilfully 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;

3. Maintain any place where fowl or any animals are suffered to fight upon exhibition or for sport upon any wager. (Ord. 887 § 1 (part), 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, ten dollars;

2. For food and care, five dollars 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 ten dollars 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 ten-dollar 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.**

Any person and any owner or custodian violating any provisions of this chapter shall be punished upon conviction by a fine of not less than thirty-seven dollars nor more than three hundred dollars. The minimum portion of the fine shall in no case be suspended. (Ord. 822 § 9, 1984; Ord. 651 § 19, 1971)

**Title 7**

**(Reserved)**



## **Title 8**

### **HEALTH AND SAFETY**

#### **Chapters:**

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



## Chapter 8.04

MANUFACTURE, STORAGE,  
PREPARATION AND SALE OF FOOD

## Sections:

- 8.04.010 Maintaining place of business.
- 8.04.020 Screen at all openings.
- 8.04.030 Decayed matter.
- 8.04.040 Food in toilet room prohibited.
- 8.04.050 Place of sale sanitation.
- 8.04.060 Food service employee—  
Communicable disease prohibited.
- 8.04.070 Serving or selling decayed food prohibited.
- 8.04.080 Meat transporting vehicle sanitation.
- 8.04.090 Food inspection.
- 8.04.100 Access for inspection.
- 8.04.110 Destruction of unwholesome food.
- 8.04.120 Manufacture of food.
- 8.04.130 Penalty for violation.
- 8.04.140 Slaughtering prohibited.
- 8.04.150 Fat rendering prohibited.
- 8.04.160 Food sanitation.
- 8.04.170 Condemnation of unwholesome food.
- 8.04.180 Protection of food from contamination.
- 8.04.190 Food preparation employee—  
Communicable disease prohibited.
- 8.04.200 Transportation of fresh meat.

## 8.04.010 Maintaining place of business.

Every person keeping, maintaining or being in charge of any factory, public or private market, stall, shop, store, warehouse, cold storage, cart, wagon or other vehicle in or from which any meat, fish, oysters, birds, fowls, vegetables, fruit, milk or other provisions are manufactured, held, kept, stored or offered for sale, or other disposition, as food for

human beings, shall keep same in a clean, pure and wholesome condition. (Ord. 206 § 1, 1921)

## 8.04.020 Screen at all openings.

The kitchens of all restaurants and hotels, all candy factories, fish markets, meat markets and bakeries, shall have good and proper screens at all openings in such places where flies or other insects can enter, for the purpose of excluding such insects from said places. (Ord. 206 § 2, 1921)

## 8.04.030 Decayed matter.

No decayed matter of any kind shall be allowed to remain in any receptacle wherein are kept any fruits, meats, vegetables or other food for sale. (Ord. 206 § 3, 1921)

## 8.04.040 Food in toilet room prohibited.

No meats, fish, game, vegetables, fruits or other foodstuffs prepared or unprepared shall be kept for sale in any room in which a toilet is located, or in any room opening directly into a toilet room, unless there is outside ventilation to such toilet room. (Ord. 206 § 4, 1921)

## 8.04.050 Place of sale sanitation.

No person maintaining or in charge of any restaurant, hotel or boardinghouse, or other place where food is sold, served, or manufactured in either a cooked or raw state, shall keep such place in a filthy or unsanitary condition. All persons employed in or about such places shall keep themselves and their clothing in a clean and sanitary condition. (Ord. 206 § 5, 1921)

8.04.060 Food service employee—  
Communicable disease prohibited.

No person suffering from tuberculosis or any other communicable disease shall be employed in or about any restaurant, hotel or boardinghouse, or other place where food is sold or served, in any such manner as that he or she will come in contact with such food. (Ord. 206 § 6, 1921)

**8.04.070 Serving or selling decayed food prohibited.**

No person maintaining or in charge of any restaurant, hotel or boardinghouse, or other place where food is served or sold, either in a cooked condition or otherwise, shall serve or sell, or cause to be served or sold, any tainted or diseased meat, fish, oysters, fowls, or any decayed or partially decayed or unwholesome fruit or vegetables or any other unwholesome food whatever. (Ord. 206 § 7, 1921)

**8.04.080 Meat transporting vehicle sanitation.**

Wagons or cars in which meat or meat food products are transported shall be kept in a clean and sanitary condition. (Ord. 206 § 12, 1921)

**8.04.090 Food inspection.**

It shall be the duty of the food inspector and deputies of the city to visit and inspect at frequent intervals every public or private market, stall, shop, store, warehouse, cannery, factory, restaurant, cold storage, slaughterhouse, and all other places from which any of the articles of food for human beings in this chapter mentioned, are manufactured, kept, held, prepared or offered for sale. (Ord. 206 § 8, 1921)

**8.04.100 Access for inspection.**

In order to enable the food inspector and his deputies to make the inspections provided for in this chapter, they shall have access to all parts of any building where business of the kind contemplated by this chapter is carried on, at all reasonable hours. (Ord. 206 § 9, 1921)

**8.04.110 Destruction of unwholesome food.**

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

ager shall at once remove the foodstuffs to the place designated and destroy them, or the food inspector or his deputies may seize the foodstuffs and destroy them. (Ord. 206 § 10, 1921)

**8.04.120 Manufacture of food.**

The provisions of this chapter shall apply to all factories for the manufacture and sale of ice cream, confectionery and soft drinks, and all premises occupied by street vendors in the manufacture of tamales, candy and other like articles of food. (Ord. 206 § 11, 1921)

**8.04.130 Penalty for violation.**

Any person or persons, firm or corporation violating any of the provisions of this chapter, upon conviction shall be punished by a fine of not less than fifteen dollars, nor exceeding one hundred dollars, or by imprisonment for a period not exceeding thirty days, or by both such fine and imprisonment. (Ord. 206 § 13, 1921)

**8.04.140 Slaughtering prohibited.**

It is unlawful for any person, firm or corporation within the city to slaughter or kill any animal or fowl for the purpose of selling or disposing of the meat thereof within the city for food, except however, that this chapter shall not prohibit the killing of fowl for private family use if the same is done in a manner not to cause an unsanitary condition where the fowl are killed. (Ord. 169 § 1, 1917)

**8.04.150 Fat rendering prohibited.**

No person, firm or corporation shall engage in the business of rendering any lard, tallow or other animal fats within the city. (Ord. 169 § 2, 1917)

**8.04.160 Food sanitation.**

No meat, fish, oysters, game or fowl shall be sold or offered for sale within the city unless they are fresh, clean and untainted and the place or places where they are kept in storage or for sale are in a healthful and sanitary condition. (Ord. 169 § 3, 1917)



**8.04.170      Condemnation of unwholesome food.**

The health officer, or his authorized agents, shall condemn any tainted, spoiled, unsound, or unwholesome meat offered for sale in the city, contrary to the provisions of this chapter, and he shall cause the same to be removed from the city or destroyed at the expense of the owner or person offering the same for sale. (Ord. 169 § 4, 1917)

**8.04.180      Protection of food from contamination.**

It is unlawful for any person, firm, or corporation to hang, place, or expose any meat, or other articles of food intended for human consumption, in such manner that it will be subject to contamination from the floors or walls of the building where it is kept, or he exposed to flies, dirt, or other sources of contamination. No meat or other articles of food shall be placed on any counter, block, rack, or any other place without being properly screened or protected from dirt, flies, and other sources of contamination. (Ord. 169 § 5, 1917)

**8.04.190      Food preparation employee—Communicable disease prohibited.**

It is unlawful for any person suffering from any communicable disease to work in any of the fish or meat markets, or in any place where fresh meat is stored or kept in the city; and it is unlawful for any person, firm, or corporation to have in employment in any such market or place any person known to be suffering with a communicable disease. (Ord. 169 § 7, 1917)

**8.04.200      Transportation of fresh meat.**

No person shall transport any fresh meat from any slaughterhouse or from any other place in the city unless it is conveyed in a clean covered wagon and is wrapped in a clean white cloth. (Ord. 169 § 6, 1917)

**Chapter 8.08**

**GARBAGE COLLECTION\***

**Sections:**

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

\*Editor's note—Ord. No. 1307, adopted Feb. 24, 2009, amended chapter 8.08 in its entirety to read as herein set out. Former chapter 8.08, §§ 8.08.010—8.08.260, pertained to the same subject matter. See the Ordinance List and Disposition Table and the Code Comparative Table for full derivation.

**8.08.220 Collector of garbage charges.**

**8.08.230 Low Income senior citizens—  
Reduced rates.**

**8.08.240 Liens for delinquent charges.**

**8.08.250 Inspection.**

**8.08.260 Penalty for violation.**

**8.08.270 Collection actions—Costs and  
legal fees.**

#### **8.08.010 Definitions.**

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

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

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

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

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

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

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

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

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

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

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

(Ord. No. 1307, § 1, 2-24-2009; Ord. No. 1337, §§ 1, 3, 4, 12-14-2010)

#### **8.08.020 Uniform, mandatory and exclusive system.**

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

(Ord. No. 1307, § 1, 2-24-2009)

#### **8.08.030 City garbage supervisor.**

A. The office of city garbage supervisor as created by Ordinance 412, is continued. The city garbage supervisor shall have supervision over the

collection of garbage within the city, and over the city sanitary fills or such other means of garbage disposal as may be established by the city. He shall be subject to the supervision, control and regulations of the city council and the city health officer.

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

(Ord. No. 1307, § 1, 2-24-2009)

#### **8.08.040 Sanitary service fund.**

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

(Ord. No. 1307, § 1, 2-24-2009)

#### **8.08.050 Exclusive collection procedure.**

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

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

(Ord. No. 1307, § 1, 2-24-2009)

#### **8.08.060 Collection contracts—Continued.**

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

(Ord. No. 1307, § 1, 2-24-2009)

#### **8.08.061 Deposit at designated disposal site.**

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

(Ord. No. 1307, § 1, 2-24-2009)

#### **8.08.070 Collection contracts—Approval by city.**

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

(Ord. No. 1307, § 1, 2-24-2009)

**8.08.080 Collection contract—Corporate surety bond required.**

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

(Ord. No. 1307, § 1, 2-24-2009)

**8.08.090 Conclusive presumption of service.**

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

(Ord. No. 1307, § 1, 2-24-2009)

**8.08.100 Vacant property.**

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

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

(Ord. No. 1307, § 1, 2-24-2009)

**8.08.110 Frequency of collection.**

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

(Ord. No. 1307, § 1, 2-24-2009)

**8.08.120 Garbage cans—Required.**

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

(Ord. No. 1307, § 1, 2-24-2009)

**8.08.130 Types of cans—Maximum weight—Closure requirement.**

Garbage cans shall be as defined in Section 8.08.010 "Garbage can." No can shall be permitted to be filled beyond the point which the lid will not tightly close. Lids shall be kept tightly closed on cans at all times, except as necessary to place garbage into or remove garbage from the cans. Cans shall be kept in a sanitary condition and free from cracks and breaks. Outsides of cans shall be free from accumulated grease, dirt and garbage

material. The maximum weight of each can and contents shall not exceed fifty pounds per thirty-five gallons of capacity.

(Ord. No. 1307, § 1, 2-24-2009; Ord. No. 1337, § 2, 12-14-2010)

#### **8.08.140 Garbage cans—Accessible to collectors.**

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

(Ord. No. 1307, § 1, 2-24-2009)

#### **8.08.150 Garbage cans—Noncompliance tags.**

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

(Ord. No. 1307, § 1, 2-24-2009)

#### **8.08.160 Separation may be required.**

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

(Ord. No. 1307, § 1, 2-24-2009)

#### **8.08.170 Methods of disposal.**

All disposal of garbage shall be by methods approved by the city health officer or garbage supervisor; provided, that such methods shall include the maximum practicable rodent, insect and

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

(Ord. No. 1307, § 1, 2-24-2009)

#### **8.08.180 Animal carcasses.**

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

(Ord. No. 1307, § 1, 2-24-2009)

#### **8.08.190 Scattering or accumulating garbage or refuse prohibited.**

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

(Ord. No. 1307, § 1, 2-24-2009)

#### **8.08.200 Schedule of charges.**

From and after August 1, 2010, the following charges for collection, removal and disposal of garbage shall apply in the city:

A. Residential Service. Each residential customer will be charged at the rate of one can per week plus additional cans, unless specifically requested optional rates are requested. In such case, each extra can will be charged at three dollars and fifty-eight cents per can.

1. Residential Single-family: One can pick-up per week mandatory service.

1 can, curbside—25 feet	\$13.95 per month
2 cans, curbside—25 feet	\$19.01 per month
3 cans, curbside—25 feet	\$20.95 per month

4 cans, curbside—25 feet	\$24.48 per month
20 gallon mini-can—25 feet	\$11.05 per month
Additional 25-foot increments	\$1.05 per 25 feet
Occasional extra bag/box/can (or equivalent)	\$3.58 per can

2. Senior Residential Single-family: One can pick-up per week mandatory service.

1 can, curbside—25 feet	\$7.68 per month
2 cans, curbside—25 feet	\$10.45 per month
3 cans, curbside—25 feet	\$11.86 per month
Additional 25-foot increments	\$1.05 per 25 feet
Occasional extra bag/box/can (or equivalent)	\$3.58 per can

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

**B. Nonresidential Service.**

1. Noncontainer Service:

	Per pick-up
Each bag/box/can	\$3.58
Each loose or non-contained yard	\$24.74

2. Can Service:

	Per pick-up
1 can	\$18.88
2 cans	\$26.73
3 cans	\$39.34
4 cans	\$54.45

3. Container Service—Loose:

Size (yards)	Per Pick-up	Monthly Rent	Monthly Premium
1- <sup>1</sup> / <sub>3</sub>	\$ 26.56	\$ 12.94	\$119.18
2	\$ 36.48	\$ 15.85	\$161.77
3	\$ 53.41	\$ 24.83	\$238.47
4	\$ 68.13	\$ 25.61	\$298.13

Size (yards)	Per Pick-up	Monthly Rent	Monthly Premium
6	\$ 95.42	\$ 31.73	\$413.41
8	\$121.77	\$ 35.10	\$522.18
12	\$123.49	\$ 72.40	\$566.36
20	\$140.42	\$ 84.69	\$646.37
30	\$150.56	\$126.12	\$728.36
30-yard compactor	\$150.56	\$126.12	\$728.36

C. Loose or Non-contained Refuse. Each loose or non-contained yard: \$24.74.

(Ord. No. 1307, § 1, 2-24-2009; Ord. No. 1331, § 1, 7-27-2010)

**8.08.210 Payment of charges.**

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

(Ord. No. 1307, § 1, 2-24-2009)

**8.08.220 Collector of garbage charges.**

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

(Ord. No. 1307, § 1, 2-24-2009)

**8.08.230 Low income senior citizens—Reduced rates.**

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

amended) shall upon application be entitled to a reduced rate for garbage collection at the rates set forth in Section 8.08.210.A.2 above.  
(Ord. No. 1307, § 1, 2-24-2009)

**8.08.240      Liens for delinquent charges.**

The charges for garbage collection and disposal shall become delinquent after the fifth day of the calendar month following the month in which the services were rendered, and the amount thereof shall constitute a lien against the real property for which the garbage collection and disposal service is rendered from and after the date of filing of notice of lien as provided for by law. The city garbage supervisor shall execute and file the notice of such lien and it shall become effective in the manner provided by the laws of the state.  
(Ord. No. 1307, § 1, 2-24-2009)

**8.08.250      Inspection.**

For the purpose of enforcing this chapter, the city health officer, the city garbage supervisor, and the city police officer shall have the right to enter any premises or any building within the city at any reasonable hour of the day to inspect the same.  
(Ord. No. 1307, § 1, 2-24-2009)

**8.08.260      Penalty for violation.**

Any person convicted of violating any of the provisions of this chapter shall be fined in any sum not exceeding five hundred dollars.  
(Ord. No. 1307, § 1, 2-24-2009)

**8.08.270      Collection actions—Costs and legal fees.**

In addition to recording a lien for delinquent charges as authorized by this chapter, the mayor may institute a collection lawsuit in any court of competent jurisdiction. In any such action, the city shall be entitled to recover from the party or parties responsible for the delinquent charges any and all costs of suit, including its reasonable attorney fees and expert witness fees.  
(Ord. No. 1334, § 1, 9-14-2010)





**Chapter 8.12****NUISANCES****Sections:**

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

**8.12.010 Designated.**

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

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

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

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

charge of premises, the notice to specify the reasonable time for removal of the fire hazard;

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

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

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

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

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

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

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

K. Illegal sale or possession of liquors or narcotics;

L. Any engine, motor or other machine or device which unduly interferes with radio, telephone

or television reception to the annoyance or injury of the public;

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

N. Filthy and unsanitary buildings, structures or places;

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

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

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

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

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

T. Slaughterhouses and stockyards;

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

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

X. Knowingly doing any act which interferes with or impedes the carrying out and performance of city functions and business or the performance of the lawful duties of city policemen, firemen, em-

ployees and officials; or damaging or destroying city property;

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

Z. For an owner or occupier or person in charge of land, knowing of the existence of a wall, septic tank, cesspool, or other hole or excavation ten inches or more in width at the top and four feet or more in depth, to fail to cover, fence or fill the same, or provide other proper and adequate safeguards; provided, that this subsection shall not apply to a hole one hundred square feet or more in area or one that is open, apparent, and obvious. (Ord. 517 § 1, 1956)

#### **8.12.020 Loud noises prohibited.**

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

tion of this section of this chapter is declared to be a nuisance. (Ord. 517 § 2, 1956)

#### **8.12.030 Violation—Unlawful.**

All nuisances as set forth in this chapter, and all acts perpetrating, maintaining, aiding and abetting such nuisance are declared to be unlawful, and are prohibited in the city and are subject to the penalties prescribed in this chapter. (Ord. 517 § 3, 1956)

#### **8.12.040 Responsibility for premises.**

Every person who occupies or has the care, government, management or control of any building, structure, animal, thing or place mentioned in this chapter, for the purposes of this chapter, is taken and deemed to be the owner or agent of the owner or owners thereof, and, as such, may be proceeded against for erecting, contriving, causing, continuing, allowing or maintaining any nuisance which is caused by or located upon the same. (Ord. 517 § 4, 1956)

#### **8.12.050 Responsibility of successive owner.**

Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property, caused by a former owner, is liable therefor in the same manner as the one who first created it. (Ord. 517 § 5, 1956)

#### **8.12.060 Chapter not exclusive.**

Any act, omission or thing declared to be a nuisance by any other chapter of the city heretofore or hereafter enacted, is declared to be a nuisance, it being the intention of the city council not to make the list of nuisances set forth in this chapter an exclusive list. (Ord. 517 § 6, 1956)

#### **8.12.070 Violation—Penalty.**

Whoever is convicted of erecting, causing, maintaining, contriving or carrying on a nuisance in the city, as described in this chapter, or of aiding or abetting the same, shall be punished by a fine not exceeding three hundred dollars or imprisoned for not more than ninety days, or both fined and impris-

oned; and the city police judge, with or without such fine or imprisonment, may order the nuisance to be abated, and issue a warrant as provided in this chapter. (Ord. 517 § 7, 1956)

#### **8.12.080 Violation—Abatement.**

When any person is adjudged guilty of erecting, causing, maintaining, contriving or carrying on a nuisance, the city police judge may, in addition to the fine or imprisonment, if any is imposed, order that the nuisance be abated or removed, at the expense of the defendant, and after inquiry into and estimating, as nearly as may be, the sum necessary to defray the expense of the abatement, the police judge may issue a warrant therefor. (Ord. 517 § 8, 1956)

#### **8.12.090 Violation—Bond.**

Instead of issuing such warrant, the city police judge may order the issuance thereof stayed upon motion of the defendant, and upon the defendant's entering into a bond to the city in such sum and with such surety as the police judge may direct, conditioned either that the defendant will discontinue the nuisance, or that within a time limited by the police judge, and not exceeding six months, he will cause it to be abated or removed, as either is directed by the judge, and upon his default to perform the condition of his bond, it shall be forfeited, and the police judge, upon being satisfied of the default, may order the warrant forthwith to issue, and issue a rule to show cause why judgment should not be entered against the sureties on the bond. The expense of abating a nuisance by virtue of a warrant shall be collected in accordance with procedure similar to that prescribed in Section 7.48.280 of the Revised Code of Washington. (Ord. 517 § 9, 1956)

**Chapter 8.13**

as unpaid utility services or unpaid taxes. (Ord. 1053 § 1 (part), 1997)

**FALSE ALARMS****Sections:**

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

**8.13.010 Purpose.**

The purpose of this Chapter 8.13, is to treat false alarms separately from nuisances as defined and regulated in Chapter 8.12. False alarms not caused by attempted break-ins or fire occurring on building premises not only divert police from patrol and service duties, but cost the city thousands of dollars each year from officer time spent in investigating alarms. To recoup these costs, it is necessary for the city to recover its costs associated with these responses. It is a defense to any fee charged by the city that evidence existed of forced entry or an attempted break in. The owner and/or tenant responsible for use and occupancy of the premises shall report any such evidence to the city police department in a signed written report. (Ord. 1053 § 1 (part), 1997)

**8.13.020 False alarms.**

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

A. For a second fourth response to premises within three months after the first response and for each succeeding response within a three-month period, fifty and no dollars (\$50.00). (Ord. 1063 § 1, 1997; Ord. 1053 § 1 (part), 1997)

**8.13.030 Recovery of costs.**

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

## Chapter 8.16

### JUNK VEHICLES AND HULKS

#### Sections:

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

#### 8.16.010 Purpose.

The purpose of this chapter is to preserve the character and safety of the city's neighborhoods by eliminating as nuisances, junk vehicles from private property, and to provide procedures for the removal of junk vehicles as authorized by RCW 46.55. (Ord. 1199, 2003)

#### 8.16.020 Definitions.

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

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

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

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

3. Is apparently inoperable;

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

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

D. RCW 46.44.010 is hereby adopted by reference, as now or hereafter amended, and all other statutes adopted by reference therein as if fully set forth herein. The definitions contained in RCW 46.55.010 shall apply to the interpretation and enforcement of this chapter. (Ord. 1199, 2003)

#### 8.16.030 Public nuisance declared.

All junk vehicles certified as such by a law enforcement officer or code enforcement officer designated by the director according to RCW 46.55.230 and found on private property are declared to constitute a public nuisance subject to removal, impoundment and disposal. It is unlawful for any individual, firm, entity or corporation to allow, cause to allow or place a junk vehicle on any premises. (Ord. 1199, 2003)

#### 8.16.035 Inoperable vehicles as a nuisance.

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

B. "Inoperable motorized vehicle" may include vehicles that do not meet the definition of junk vehicle. An inoperable motorized will be considered a public nuisance unless contained entirely within an enclosed building. It is provided however, that an inoperable motorized vehicle may be allowed in residential property, outside of an enclosed building, if it is stored in the rear yard of the property and is screened from the neighboring properties and any street by a one hundred percent sight obscuring fence. (Ord. 1199, 2003)

**8.16.040 Exemptions.**

The provisions of this chapter shall not apply to:

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

B. Any vehicles or parts thereof which are stored or parked in a lawful manner on private property in connection with the business of a licensed commercial towing yard, automobile repair facilities, outdoor storage or wrecking yards, licensed dismantler or licensed vehicle dealer and which are fenced according to the provisions of RCW 46.80.130. (Ord. 1199, 2003)

**8.16.050 Abatement of junk vehicles on private property.**

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

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

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

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

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

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

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

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

6. The procedures and hearing process and procedures for other enforcement action shall be conducted in accordance with the CEMC Code enforcement chapter as adopted and hereafter codified, including amendments thereto, or as otherwise provided in applicable codes, rules and regulations. (Ord. 1199, 2003)

**8.16.060 Disposal by city.**

In the event that the registered owner, record landowner, occupant, or any other person fails to request a hearing, or in the event that any person fails to comply with an order of abatement issued under this chapter, within the time allowed, then the city may arrange for removal and disposal of the junk vehicle. The costs of such removal and disposal shall be assessed against the last registered owner of the junk vehicle, if known, the occupant of the property upon which the junk vehicle is located, unless such occupant is found not responsible for such costs under the provisions of this chapter, and the record owner of the land upon which the junk vehicle is located, unless such landowner is found not responsible for such costs under 8.16.050 CEMC. (Ord. 1199, 2003)

**8.16.070 Warrants for entry.**

Whenever it is necessary to enter upon private property to remove the junk vehicles pursuant to ordinance, ruling or holding by the municipal court, any authorized official of the city may apply to the Cle Elum Municipal Court for a warrant authorizing the entry upon such property to carry out the same, if permission to enter has been refused by the owner, or

if the owner cannot be found or reasonably ascertained. The application for the warrant shall be supported by an affidavit or the testimony of the officer or any other authorized city official intending to enter upon the property stating his office, purpose and authority to so enter; the owner's refusal to permit such entry or the owner's unavailability; the work, action or other activity to be conducted on the property; and by whom and the approximate time that the activity will be conducted. If the court finds that just cause exists for the issuance of the warrant, it shall subscribe the same with a return date of not more than ten days following completion of the action or activity to be conducted upon the property. (Ord. 1199, 2003)

#### **8.16.080 Lien.**

The city shall within thirty days after the removal by the chief of police of an abandoned, wrecked, dismantled or inoperative vehicle from real property, file for recording with the county auditor a claim of lien for the cost of removal which shall be substantially in accordance with the provisions covering mechanic's liens in Chapter 60.04 RCW, and said liens shall be foreclosed in the same manner as such liens. (Ord. 1199, 2003)

#### **8.16.090 Additional enforcement procedure.**

The provisions of this chapter are additional to other enforcement provisions authorized by state statute and city ordinance, and are additional to any other remedy available to the city for damages it has suffered. (Ord. 1199, 2003)

#### **8.16.100 Constitutionality or invalidity.**

If any section, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of the sections, subsections, clauses or phrases. It is hereby expressly declared that each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted and approved and ratified irrespective of the fact that any one or

more sections, subsections, clauses or phrases be declared invalid or unconstitutional. (Ord. 1199, 2003)

#### **8.16.110 Severability.**

If any portion of the codes referenced in this chapter is held invalid or unenforceable, the remainder shall be valid. (Ord. 1199, 2003)

## Chapter 8.20

### JUNKYARDS

#### Sections:

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

#### **8.20.010     Legislative declaration.**

For the purpose of promoting the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investment in public streets and highways, and to preserve and enhance the scenic beauty of lands bordering public streets and highways, it is declared to be in the public interest to regulate and restrict the establishment, operation and maintenance of junkyards in areas adjacent to the streets and highways within the city. The city council finds and declares that junkyards which do not conform to the requirements of this chapter are public nuisances. (Ord. 694 § 1, 1975)

#### **8.20.020     Definitions.**

When used in this chapter, the term:

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

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

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



operation of an automobile graveyard. (Ord. 694 § 2, 1975)

be abated in the manner provided by law. (Ord. 694 § 6, 1975)

**8.20.030 Screening—Building permit required.**

Before construction of a fence or other appropriate means of screening, application to the city and the issuance of a building permit is required in the same manner and form as other applications for building permits under the city building code. (Ord. 694 § 5, 1975)

**8.20.040 Screening—Required when.**

No person shall establish, operate, or maintain a junkyard in the city, any portion of which is within one hundred fifty feet of the nearest edge of the right-of-way of any street or highway in the city, unless it is screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the traveled portion of such street or highway. (Ord. 694 § 3, 1975)

**8.20.050 Other laws not affected.**

Nothing in this chapter is construed to permit the establishment, operation or maintenance of any junkyard that is otherwise prohibited by state or federal law or by resolution or ordinance of Kittitas County or the city, nor to abrogate or affect the lawful provisions of any statute, chapter, regulation or resolution which is more restrictive than the provisions of this chapter. (Ord. 694 § 4, 1975)

**8.20.060 Violations—Penalty—Abatement as public nuisance.**

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

## Chapter 8.24

### FIRE PREVENTION

#### Sections:

#### Article I. Regulations

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

#### Article II. Inspection of Premises

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

#### Article I. Regulations

##### 8.24.010 Definitions.

Open fires are defined as fires started or maintained outside of buildings or structures. Contained open fires are fires contained within a trash burner, fireplace or barbecue pit, and all other open fires not so contained are designated as uncontained open fires. (Ord. 514 § 2, 1955)

##### 8.24.020 Fire season.

The fire season in the city is defined as that period in the spring, summer and fall months during which fires are deemed to be extra hazardous. The beginning date of the fire season each year shall be

set by the city council, after considering the fire chief's recommendation. Notice of commencement of the fire season shall be published in one issue of the official city newspaper, at least two days before the fire season starts. The ending date of the fire season each year shall be similarly determined and notice thereof similarly published. (Ord. 514 § 3, 1955)

##### 8.24.030 Uncontained open fire permit—Required.

It is unlawful to start or maintain an uncontained open fire in the city during the fire season unless a permit for such fire has first been issued by the fire chief; provided, that under no conditions shall any uncontained open fire be started or maintained at any time within the fire limits of the city. No fire shall be started or maintained and no burning shall be done at any time within any building or structure undergoing construction, demolition, or structural repair or alteration, if the building or structure or any part thereof is made of or contains wood, paper or any other combustible material, unless a fire permit therefor has first been issued by the fire chief. (Ord. 514 § 5 (part), 1955)

##### 8.24.040 Uncontained open fire permit—Conditions.

Any or all fire permits issued under Section 8.24.030 may be issued subject to the condition that no fire shall be started or maintained and no burning shall be done without the presence of and the direct supervision of the fire chief and/or some member or members of the fire department specifically designated by the fire chief, if in the opinion of the fire chief such immediate supervision is reasonably necessary under the conditions prevailing. If a permit is issued subject to such condition, the permittee shall pay the fire chief and/or other members of the fire department attending at the fire at the hourly rate of pay then prevailing for special policemen in the police department. (Ord. 514 § 5 (part), 1955)

**8.24.050 Permit revocation authorized.**

Any or all fire permits heretofore or hereafter issued may be revoked at any time by the fire chief at his discretion, if in his opinion a fire hazard exists. (Ord. 514 § 6, 1955)

**8.24.060 Fire chief duties.**

Notwithstanding any contrary provisions of all other ordinances of the city, pertaining to the prevention or regulation of fires, all inspections to be made in the city for fire prevention, control or regulation, and all fire permits issued in the city shall be made and issued by the fire chief. (Ord. 514 § 7, 1955)

**8.24.070 Stove or furnace approval.**

No fire shall be started or maintained and no burning shall be done at any time in any building or structure in the city, except in an approved type stove or furnace, approved by a fire underwriters organization having national or state recognition, or by the chief of the fire department, hereinafter referred to as the fire chief. In absence of the fire chief, his duties and functions under this chapter shall be performed by the first assistant fire chief; and in absence of the latter, by the second assistant fire chief. (Ord. 514 § 1, 1955)

**8.24.080 Contained open fires—Inspection.**

It is unlawful to start or maintain a contained open fire in the city during the fire season unless the trash burner, fireplace or barbecue pit containing the fire has prior thereto been inspected and approved by the fire chief, and a permit therefor issued by the fire chief. Such permits shall remain in force until revoked, provided the fire container is maintained in the same condition which existed at the time of such inspection. (Ord. 514 § 4, 1955)

**8.24.090 Open fires—Permit required.**

Under no conditions shall any contained or uncontained open fire be started or maintained at any time within the fire zone of the city unless a fire permit first has been obtained therefor. (Ord. 519 § 1 (part), 1956; Ord. 514 § 11, 1955)

**8.24.100 Open fires—Supervision.**

At any time, either during the fire season or without the fire season the fire chief may prohibit the setting or continuing of any open fire either contained or uncontained, anywhere in the city, or the fire chief may prohibit such fire unless it is supervised as provided in Section 8.24.040, if in his opinion the fire may be unduly hazardous to persons or property. (Ord. 519 § 1 (part), 1956; Ord. 514 § 12, 1955)

**8.24.110 Appeal.**

Anyone aggrieved by any decision or action of the fire chief or the fire department may appeal to the city council for relief. Such appeals shall be heard and determined as expeditiously as possible, and the decision of the city council shall govern the matter. (Ord. 514 § 8, 1955)

**8.24.120 Violation—Penalty.**

Any person, firm, organization or corporation who violates or fails to comply with any of the provisions of this article shall upon conviction thereof be fined in any sum not to exceed three hundred dollars, or imprisoned for a period of not more than thirty days, or both fined and imprisoned as provided in this section. Each violation shall be deemed a separate offense. (Ord. 514 § 9, 1955)

**Article II. Inspection of Premises****8.24.130 Required.**

It is the duty of the chief of the fire department to inspect or cause to be inspected by fire department officers or members, as often as may be necessary, but not less than twice a year in outlying districts and four times a year in the closely built portions of the city, all buildings, premises, and public thoroughfares, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any ordinance of the city affecting the fire hazard. In private dwellings such inspections shall be restricted to basements and cellars. (Ord. 240 § 1 (part), 1926)

**8.24.140 Flammable materials—Order to remove.**

Whenever any officer or member finds in any building, or upon any premises or other place, combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or any other highly flammable materials especially liable to fire, and which is so situated as to endanger property, or finds obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the fire department, or egress of occupants, in case of fire, he shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of the premises or buildings, subject to appeal within twenty-four hours to the mayor, who shall within ten days review the order and file his decision thereon, and unless the order is revoked or modified it shall remain in full force and be obeyed by the owner or occupant. (Ord. 240 § 1 (part), 1926)

**8.24.150 Service of removal order.**

The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of same to the occupant personally or by delivering it to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises. Whenever it may be necessary to serve such an order upon the owner of premises, the order may be served either by delivering to and leaving with the person a true copy of the order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing the copy to the owner's last known post office address. (Ord. 240 § 1 (part), 1926)

**8.24.160 Appeal of removal order.**

Any owner or occupant failing to comply with such order within ten days after the appeal has been determined, or if no appeal is taken, then within ten days after the service of the order, shall be liable to

a penalty as stated in Section 8.24.170. (Ord. 240 § 1 (part), 1926)

**8.24.170 Violation—Penalty.**

Any person or persons, firms or corporation violating any of the provisions of this article or any of its sections, shall, upon conviction, forfeit and pay a fine of not more than twenty-five dollars for each offense, and not more than twenty dollars for every day thereafter so long as the violation exists, and a fine of not more than one hundred dollars for subsequent violations. (Ord. 240 § 2, 1926)

**Chapter 8.28****FIREWORKS****Sections:**

8.28.005	<b>Purpose.</b>
8.28.010	<b>Definitions.</b>
8.28.020	<b>Permit—Application—Issuance.</b>
8.28.030	<b>Permit—Conditions for issuance.</b>
8.28.040	<b>Permit—Nontransferable.</b>
8.28.060	<b>Permit—Revocation.</b>
8.28.070	<b>Stands—Conformance to minimum standards.</b>
8.28.090	<b>Dangerous use prohibited.</b>
8.28.100	<b>Dangerous fireworks prohibited.</b>
8.28.110	<b>Sale of safe and sane fireworks.</b>
8.28.120	<b>Prohibition against discharge.</b>
8.28.130	<b>Sale—Limits.</b>
8.28.140	<b>Violation—Penalty.</b>

**8.28.005 Purpose.**

The city council recognizes that there are inordinately high risks to public health and safety within the city due to fire hazards resulting from the sale and discharge of fireworks.

It is necessary to protect the public health and safety by limiting the days upon which the sale of fireworks can occur and by limiting the time during which the fireworks may be ignited. (Ord. 1007 § 1, 1994)

**8.28.010 Definitions.**

As used in this chapter:

A. "Fireworks" means any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks as defined in Chapter 70.77 in the Revised Code of Washington.

B. "Permittee" refers to any person, firm, corporation, organization or entity having an effective

permit issued under this chapter by the city upon approval of the city fire chief.

C. "Person" refers to and includes all persons, firms, corporations, organizations and entities. (Ord. 1007 § 2, 1994; Ord. 578 § 1, 1962)

**8.28.020 Permit—Application—Issuance.**

No person shall sell fireworks of any kind in the city without a permit currently in effect at the time of sale. An applicant for a permit must submit to the city clerk an application showing that the applicant has complied with all of the conditions necessary for issuance of a permit, as set out in this chapter. The application shall be investigated by the city fire chief or one of his assistant chiefs in his absence, who shall endorse thereon his approval or disapproval. If the endorsement indicates approval, the application shall be submitted to the city council for its approval and instruction to the clerk either to issue a permit or deny the application. The city clerk shall then issue the permit if directed to do so. (Ord. 578 § 2, 1962)

**8.28.030 Permit—Conditions for issuance.**

A permit for the sale of fireworks shall be issued only upon the following terms and conditions:

A. The applicant shall have a valid and subsisting license issued by the state authorizing the holder thereof to engage in the fireworks business.

B. The applicant shall show or have the right to possess a temporary fireworks stand complying with the standards set out in this chapter.

C. The applicant shall procure and maintain at all times during which his permit is in effect, and prior to his exercising any of the privileges granted him under the permit, a policy or policies of public liability and property damage insurance in a company or companies approved by the city in the following amounts: one hundred thousand dollars or more for injuries to any one person in one accident or occurrence; three hundred thousand dollars or more for injuries to two or more persons in any one accident or occurrence; and fifty thousand dollars or more for damage to property in any one accident or occurrence. (Ord. 578 § 9, 1962)

**8.28.040 Permit—Nontransferable.**

No person shall be granted more than one permit for the sale of fireworks during any one calendar year. The maximum number of permits which may be issued under this chapter shall not exceed one permit for each one thousand residents of the city according to the last official census or the last estimate of the State Census Board. A permit granted under this chapter shall entitle the permittee to maintain only one retail outlet in the city. All permits issued under this chapter shall be used only by the designated permittee and shall be nontransferable. Any attempted or purported transfer of the permit shall be void, and shall be a violation of this chapter. (Ord. 578 § 8, 1962)

**8.28.060 Permit—Revocation.**

Any permit issued under this chapter may be summarily revoked by the city fire chief, or by the acting fire chief in his absence, for any violation by the permittee of this chapter. (Ord. 578 § 4, 1962)

**8.28.070 Stands—Conformance to minimum standards.**

The temporary fireworks stands of all permittees shall conform to the following minimum standards and conditions:

A. No temporary fireworks stand shall be located within twenty feet of any other building or structure, nor within fifty feet of any gasoline station, oil storage tank or premises where flammable liquids are kept or stored.

B. Each temporary fireworks stand shall have, in a readily accessible place, a fire extinguisher or extinguishers duly approved in advance by the city fire chief or acting fire chief.

C. All weeds, grass and combustible material shall be cleared from the location of the temporary fireworks stand and the surrounding area for a distance of not less than twenty feet measured in any direction from all of the exterior walls of the stand.

D. No smoking shall be permitted in or near a temporary fireworks stand, and the same shall be posted with proper "No Smoking" signs on each wall.

E. Each temporary fireworks stand shall have an adult in attendance at all times. No child or children under the age of eighteen years shall be allowed inside any temporary fireworks stand.

F. All unsold stock and accompanying litter shall be removed from the temporary fireworks stand by twelve noon on the sixth day of July, of each year. (Ord. 578 § 10, 1962)

**8.28.090 Dangerous use prohibited.**

No person shall use, explode or ignite fireworks of any kind in the city in such manner as to endanger person or property. (Ord. 578 § 3, 1962)

**8.28.100 Dangerous fireworks prohibited.**

No person shall sell, possess, use or explode any dangerous fireworks in the city. Any item of fireworks which does not bear a "safe and sane" registration or classification of the Washington State Fire Marshal conforming with the state law shall be deemed dangerous and is prohibited by this chapter. (Ord. 578 § 5, 1962)

**8.28.110 Sale of safe and sane fireworks.**

This chapter is intended to implement the laws of the state pertaining to sale of fireworks, and shall be construed in connection with said law and any amendments thereof and any and all regulations issued pursuant thereto. (Ord. 578 § 11, 1962)

**8.28.120 Prohibition against discharge.**

The city prohibits the ignition or discharge of fireworks within the city except between the period from nine a.m. to eleven fifty-nine p.m., on July 4th and December 31st each year commencing in the year 1994. The prohibition above set forth shall not act as a prohibition of any commercial, professionally ignited, pyrotechnic display when approved by the fire chief of the city. (Ord. 1007 § 3, 1994)

**8.28.130 Sale—Limits.**

The city prohibits the sale of fireworks prior to nine a.m., on July 1st, or after eleven p.m., on July 4th each year commencing in the year 1994. (Ord. 1007 § 4, 1994)

**8.28.140 Violation—Penalty.**

Any person violating the provisions of this chapter shall be punished by a fine of not more than five thousand dollars. (Ord. 1007 § 5, 1994)

**Chapter 8.32****STORING OF AUTOMOBILES IN  
PUBLIC OR PRIVATE GARAGES****Sections:**

- |                 |                             |
|-----------------|-----------------------------|
| <b>8.32.010</b> | <b>Construction.</b>        |
| <b>8.32.020</b> | <b>Storage of gasoline.</b> |
| <b>8.32.030</b> | <b>Violation—Penalty.</b>   |

**8.32.010 Construction.**

It is unlawful for any person, firm, company or corporation to conduct or maintain in the city, a public or private garage in which more than one automobile or machine using gasoline, alcohol, or other explosive for fuel or power, are housed for the purpose of storing or repairing, unless the floor of the building on which the automobiles are housed, stored, or repaired is of concrete and the main division walls separating such room or rooms from adjoining room or stores, are for a distance of six feet up from the floor or floors made of brick and mortar or stone and mortar or concrete or lined or coated with concrete. (Ord. 138 § 1 (part), 1912)

**8.32.020 Storage of gasoline.**

All gasoline storage tanks shall be placed outside of the building as directed by the chief of the fire department, and the owner and occupants of such building shall comply with all ordinances regulating the storage, sale, and use of oils, gasoline, and explosives and as directed by the chief of the fire department. (Ord. 138 § 1 (part), 1912)

**8.32.030 Violation—Penalty.**

Any person, firm, company or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined in any sum not less than ten dollars and not more than one hundred dollars. (Ord. 138 § 2, 1912)

**Chapter 8.36****STORAGE OF GASOLINE, BENZINE OR NAPHTHA****Sections:**

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

**8.36.010      Storage restrictions.**

It is unlawful for any person, firm, company or corporation to keep or store or permit the keeping or storing of, within the limits of the city, in any one building, any gasoline, benzine, or naphtha in any greater quantities than five gallons without the written permission of the chief of the fire department of the city. Any quantity in excess of five gallons of any of the articles hereinbefore mentioned must be stored outside the walls of any building except as provided in this chapter, at a spot designated by the chief of the fire department, and no more than fifty-five gallons shall in any case be kept in any one place except as provided in this chapter. (Ord. 142 § 1, 1912)

**8.36.020      Storage tanks.**

On the written permission of the chief of the fire department of the city, it is lawful for any person to keep or store any of the articles mentioned in Section 8.36.010 in quantities of not more than two hundred fifty gallons, in a one story brick or cement warehouse detached twenty feet from any other building, which warehouse building shall be used only for such storage and shall have a vent pipe not less than one inch in diameter extending at least six feet above the roof. Quantities in excess of fifty-five gallons may be kept or stored in tanks of iron or steel having a thickness of not less than three-sixteenths of an inch, such tanks to be placed outside the foundation of any building, the top of same to be at least two feet below the surface of the earth and to be completely covered by at least two feet of

earth; each tank to be supplied with proper feed pipes and pump, and each pump to be equipped with an automatic cutoff. Such tanks shall be filled through a section of hose suitable for the purpose, which shall be detached from the feed pipe when not in service and the feed pipe securely closed. Gravity process for taking any of the articles from tank will not be permitted, and no such tank shall be located within twenty feet from any furnace, stove or fire. (Ord. 142 § 2, 1912)

**8.36.030      Quantity limitation.**

It is unlawful for any person, firm, company or corporation to keep or store any of the articles mentioned in Section 8.36.010 in greater quantities than two hundred fifty gallons without the permission of the city granted by ordinance. (Ord. 142 § 3, 1912)

**8.36.040      Labeling of cans.**

All gasoline, benzine, or naphtha in any quantity permitted by this chapter shall always be kept in metallic cans or tanks truly and properly labeled as to contents. It is unlawful for any person, firm or corporation to sell any gasoline, benzine, or naphtha in cans, or to fill or put any of the articles in cans, unless the contents of the cans be plainly written thereon. (Ord. 142 § 4, 1912)

**8.36.050      Violation—Penalty.**

Any person, firm, or corporation violating any of the provisions of this chapter, on conviction thereof shall be punished in any sum not less than ten dollars or more than one hundred dollars. Every day's continuation of a violation of any of the provisions of this chapter is deemed to be a distinct offense. (Ord. 142 §§ 5, 6, 1912)



**Chapter 8.40****PETROLEUM FUEL BURNING  
EQUIPMENT****Sections:**

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

**8.40.010 Permits.**

A permit shall be obtained from the chief of the fire department for the installation or handling of petroleum fuels used or to be used for heating, cooking, and lighting purposes in excess of one gallon or for use in connection with petroleum fuel burning equipment used or to be used for heating, cooking and lighting purposes, and further, a permit shall be obtained from the chief of the fire department for the sale, use, and installation for all types of petroleum fuel burning equipment aforementioned. (Ord. 407 § 1, 1947)

**8.40.020 Approval and inspection.**

All petroleum fuel burning equipment used or to be used for heating, cooking and lighting purposes shall bear the approval of the National Board of Underwriters and all installations of such equipment shall be inspected and approved in writing by the chief of the fire department before the equipment can be used or operated. (Ord. 407 § 2, 1947)

**8.40.030 Floor furnaces.**

All floor furnace installation shall be so constructed or placed as to be readily accessible through a floor trap, a door in a foundation wall of adequate size, or through a basement door. There shall be a passageway with a minimum clearing of twenty-four inches in width and thirty inches in depth from the entrance door to the floor furnace burner. (Ord. 407 § 3, 1947)

**8.40.040 Regulations.**

The city council shall prescribe forms, rules, and regulations to carry out the provisions of this chapter, such forms and rules shall have the same force and effect as if made part of this chapter. (Ord. 407 § 4, 1947)

**8.40.050 Violation—Penalty.**

Any person, firm, or corporation violating any of the provisions of this chapter or failing to comply therewith shall upon conviction pay a fine not exceeding one hundred dollars. (Ord. 407 § 5, 1947)

**Chapter 8.44****CAMPING WITHIN CITY LIMITS****Sections:**

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

**8.44.010**      **Location.**

No person, firm, or corporation shall erect, establish or maintain within the corporate limits of the city, any camp, shack or other place of temporary abode, except by permission of the city council granted on a case-by-case basis. (Ord. 1152 § 1, 2001; Ord. 183 § 1, 1918)

**8.44.020**      **Disposal of garbage.**

All solid or semisolid kitchen refuse shall be disposed of in watertight trash receptacles, provided with tight-fitting covers, which shall at all times be kept securely in place on the receptacle so as to prevent the ingress or egress of flies. All trash receptacles must be emptied daily and contents cremated or otherwise disposed of in a manner approved of the city health officer. (Ord. 1152 § 2, 2001; Ord. 183 § 2, 1918)

**8.44.030**      **Sanitary facilities required.**

Each camp site shall be provided with at least two sanitary toilets, and such toilets shall conform to the requirements of city and state regulations pertaining to the disposal of such waste. (Ord. 1152 § 3, 2001; Ord. 183 § 3, 1918)

**8.44.040**      **Violation—Penalty.**

Any person violating any provision of this chapter is deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars or more than fifty dollars. (Ord. 183 § 4, 1918)

**Chapter 8.48****TELEVISION AND RADIO ANTENNAS****Sections:**

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

**8.48.010**      **Purpose.**

The rules set forth in this chapter are adopted for the better protection of life and property, and in the interest of public safety. (Ord. 497 § 1, 1954)

**8.48.020**      **Definitions.**

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

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

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

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

D. "Mast" means that portion of the outside antenna system to which the antenna is attached, and the support or extension required to elevate the

antenna to a height deemed necessary for adequate operation.

E. "Person" means and includes any person, firm, partnership, association, corporation, company or organization of any kind. (Ord. 497 § 2, 1954)

#### **8.48.030 Permit required.**

It is unlawful for any person to install or make major repairs or maintenance work, either as owner or as agent, servant or employee of the owner, or as an independent contractor for the owner, or otherwise, for or upon any outside television or radio receiving antenna, or to make any additions or substitutions for said antenna, unless and until an inspection permit has first been obtained from the city clerk, except that antennas under fifteen feet in height shall be excluded from the provisions of this section. (Ord. 497 § 3, 1954)

#### **8.48.040 Applications for permits.**

Applications for permits shall be made upon blanks provided by the inspector or the city clerk and shall contain such information as is deemed necessary by the inspector to facilitate the purpose of this chapter. (Ord. 497 § 5, 1954)

#### **8.48.050 Fees.**

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

- A. Wrong address;
  - B. Condemned working resulting from faulty construction;
  - C. Repairs or corrections not made when inspection is called;
  - D. Work not ready for inspection when called.
- (Ord. 497 § 4, 1954)

#### **8.48.060 Inspector duties, rights and powers.**

A. It is the duty of the inspector and his authorized assistants to inspect all television and radio receiving antennas as specified in this chapter to

ascertain if the work has been done in a workman-like manner.

B. The inspector and his assistants are empowered to inspect or reinspect any wiring, equipment or apparatus within the provisions of this chapter, and if conductors, equipment or apparatus are found to be unsafe to life or property, or are not in conformity with the provisions of this chapter, the inspector shall notify the person owning or operating the hazardous wiring or equipment to correct the condition within a forty-eight-hour period or within the time the inspector specifies. Failure to correct violations within the specified time shall constitute a violation of this chapter. (Ord. 497 § 6, 1954)

#### **8.48.070 Interference with and notices to inspector.**

It is unlawful to interfere with the work of the inspector. The person to whom a permit has been granted for the installation of a television or radio receiving antenna shall immediately notify the inspector when the work covered by the permit has been completed and is ready for final inspection. Upon such notice, the inspector or his assistant shall, within one working day of notification, inspect and approve the installation if the work complies in all respects with the provisions of this chapter and the permit, and shall disapprove the installation if it fails to comply, stating in writing the reasons for disapproval and specifying a time within which the defects must be corrected. A reinspection shall be made after notice to the inspector that the defects have been corrected. (Ord. 497 § 7, 1954)

#### **8.48.080 Bond required.**

Every person engaged in the business of making television or radio receiving antenna installations, or in repairing and/or doing maintenance work on television or radio antennas, shall annually file with the city clerk a good and sufficient bond in the sum of ten thousand dollars, executed by a bonding or surety company authorized to do business in the state and approved by the city attorney. The bond shall be conditioned upon the faithful observance of all laws and ordinances of the city, and shall indem-

nify, save and keep harmless the city from any and all damages, judgments, costs or expenses which the city may incur or suffer by reason of the granting of a permit to install, repair or maintain the antenna or perform any services thereon. The bond shall run to the city for the use and benefit of any person who may suffer injuries or property damages by reason of the permit granted under this chapter. The maintenance of the bond in full force and effect is a prerequisite to the issuance of any permit required under the provisions of this chapter. A liability insurance policy issued by an insurance company authorized to do business in the state which conforms to the above requirements may be permitted in lieu of a bond. This provision shall not apply to personal installations, repairs or maintenance of the antenna by an owner or occupant; provided, however, that the owner or occupant gives sufficient proof to the inspector that he is qualified to perform the work in conformity with the provisions of this chapter; and provided further, that the owner or occupant files with his application for a permit an affidavit stating that he will make the installation, repair or maintenance on his own premises only. (Ord. 497 § 8, 1954)

#### **8.48.090 Technical requirements.**

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

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

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

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

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

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

E. Masts shall not be secured to brick chimneys.

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

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

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

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

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

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

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

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

N. The miscellaneous hardware, such as brackets, turnbuckles, thimbles, clips, and similar type equipment subject to rust or corrosion, shall be protected with a zinc or cadmium coating by either galvanizing or sherardizing process after forming. (Ord. 497 § 9, 1954)

#### **8.48.100 Maker identification.**

The maker's name, trademark, or other identification symbol shall be placed on all electrical devices or equipment that use one hundred fifteen volts or more which are sold, offered for sale or use or used in the city. These markings and others such as voltage, amperage, wattage, and power-factor or appropriate ratings described in the 1951 edition of the National Electrical Code, shall be required, and are necessary to determine the character of the material, device or equipment and the use for which it is intended. (Ord. 497 § 10, 1954)

#### **8.48.110 Applicability to automobiles.**

It is unlawful for any person to install a television set forward of or which is visible from the driver's position of any motor operated vehicle; otherwise, the provisions of this chapter shall not apply to automobiles. (Ord. 497 § 12, 1954)

#### **8.48.120 Codes supplemental to this chapter.**

The provisions of this chapter shall be construed as supplemental to the building code of the city and any other pertinent law or ordinances of the city, and all work shall conform to these requirements. (Ord. 497 § 11, 1954)

#### **8.48.130 Penalty for violation.**

Any person violating any of the provisions of this chapter, upon conviction thereof, may be fined not to exceed two hundred fifty dollars, or be imprisoned in the city jail not to exceed ninety days, or such person may be punished by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this section. (Ord. 497 § 13, 1954)

## **Chapter 8.60**

### **CODE ENFORCEMENT**

#### **Sections:**

<b>8.60.010</b>	<b>Purpose.</b>
<b>8.60.015</b>	<b>Applicability.</b>
<b>8.60.020</b>	<b>Definitions.</b>
<b>8.60.030</b>	<b>Voluntary correction.</b>
<b>8.60.040</b>	<b>Notice of civil violation.</b>
<b>8.60.050</b>	<b>Stop work order.</b>
<b>8.60.060</b>	<b>Cease and desist order.</b>
<b>8.60.065</b>	<b>Notice to vacate.</b>
<b>8.60.070</b>	<b>Removal of stop work, cease and desist order, or notice to vacate—Misdemeanor.</b>
<b>8.60.080</b>	<b>Hearing before the administrative hearing examiner.</b>
<b>8.60.090</b>	<b>Violations—Monetary penalty and costs.</b>
<b>8.60.100</b>	<b>Subsequent repeat violation—Failure to abate—Misdemeanor.</b>
<b>8.60.110</b>	<b>Abatement.</b>
<b>8.60.120</b>	<b>Costs of abatement—Lien.</b>
<b>8.60.130</b>	<b>Collection of penalties and costs.</b>
<b>8.60.140</b>	<b>Additional enforcement procedures.</b>
<b>8.60.150</b>	<b>Conflicting code provisions.</b>
<b>8.60.160</b>	<b>Duty not creating liability.</b>

#### **8.60.010 Purpose.**

The purpose of this chapter is to establish an efficient system to enforce regulations of the city, providing an opportunity for a prompt hearing and decision on alleged violations and establishing penalties for violations. This chapter shall apply to all regulations as defined in CEMC Section 8.60.020(M); provided that a regulation that provides for criminal penalties in addition to or as an alternative to enforcement under this chapter may, at the discretion of the city, be prosecuted as a criminal violation. (Ord. 1255 § 1 (Exh. A (part)), 2006)

**8.60.015 Applicability.**

This chapter is applicable to the enforcement of city of Cle Elum ordinances and codes relating but not limited to Title 5: Business Licenses, Taxes and Regulations, Title 8: Health and Safety, Title 12: Streets, Sidewalks and Public Places, Title 13: Public Services, Title 15: Buildings and Construction, Title 16: Subdivisions, Title 17: Zoning, and Title 18: Critical Areas Development, and shall be construed as supplemental to any excess provision for criminal penalties contained elsewhere in Cle Elum Municipal Code for such violations, in which case this chapter shall be considered supplementary thereto. (Ord. 1255 § 1 (Exh. A (part)), 2006)

**8.60.020 Definitions.**

As used in this chapter, unless a different meaning is plainly required:

A. "Abate" means to repair, replace, remove, destroy or otherwise remedy a condition that constitutes a civil violation by such means, in such manner, and to such an extent as the code enforcement officer or the administrative hearing examiner determines is necessary in the interest of the general health, safety and welfare of the community.

B. "Act" means doing or performing something.

C. "Administrative hearing examiner" means the code enforcement hearing examiner and the office thereof established pursuant to Chapter 2.13, CEMC.

D. "City" means city of Cle Elum.

E. "Civil violation" or "violation" means an act or omission contrary to a regulation as defined in subsection M of this section. A violation continues to exist until abated and each day, or a portion thereof, that a violation exists constitutes a separate and distinct offense.

F. "Code enforcement officer" means the city's code enforcement officers or any other person or persons assigned or directed by the mayor, or his or her designee, to enforce the regulations subject to the provisions of this chapter.

G. Costs of Abatement. The costs of any abatement action taken by the city to abate the violation using lawful means in the event that the person re-

sponsible for the violation fails to do so. The term includes incidental expenses including, but not limited to, personnel costs, both direct and indirect and including attorney's fees; costs incurred in documenting the violation; hauling, storage and disposal expenses; and actual costs and expenses of the city in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; the costs of any required printing and mailing; and costs of enforcement.

H. "Costs" or "costs of enforcement" means costs incurred related to enforcement under this chapter, including, but not limited to costs of service of notice, costs of the hearing, administrative costs established by resolution for enforcement of garbage and refuse and nuisance vegetation violations, as well as other administrative costs.

I. "Omission" means a failure to act.

J. "Person" means any individual, firm, associations, partnership, corporation or any entity, public or private.

K. "Person responsible for the violation" or "person who violates" means, unless otherwise defined, any person who has titled ownership of the property or structure which is subject to the regulation, an occupant in control of the property or structure which is subject to the regulation, a developer, builder, or business operator or owner who is developing, building, or operating a business on the property or in a structure which is subject to the regulation and/or any person who created the violation or any person who has control over the property and allows the violation to continue.

L. "Property" or "premises" means any building, lot, parcel, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks, public rights-of-way, and parking strips and any lake, river, stream, drainage way or wetland.

M. "Regulation" means and includes the following, as now enacted or hereafter amended:

1. All Cle Elum city code provisions making reference to this chapter;

2. All standards, regulations and procedures adopted by the city that make reference to this chapter; and

3. The terms and conditions of any permit or approval issued by the city, or any concomitant agreement with the city pursuant to code provisions that make reference to this chapter.

N. "Repeat violation" means two or more violations of the same regulation in any location by the same person for which voluntary compliance previously has been sought within two years or for which a notice of civil violation has been issued within two years. (Ord. 1255 § 1 (Exh. A (part)), 2006)

#### **8.60.030 Voluntary correction.**

A. **Applicability.** The provisions of this section may be utilized whenever the code enforcement officer or administrative hearing examiner determines that a violation of a regulation has occurred or is occurring.

B. **General.** Prior to the issuance of a notice of violation, the code enforcement officer may, at his or her discretion, attempt to secure the voluntary correction of a violation of a regulation by contacting the person responsible for the violation, explaining the violation, and requesting correction. The failure of the code enforcement officer to seek voluntary correction shall not invalidate any code enforcement action taken by the code enforcement officer or the city of Cle Elum.

C. **Issuance of Voluntary Correction Agreement.** A voluntary correction agreement may be entered into between the person responsible for the violation and the city, acting through the code enforcement officer.

D. **Content of Agreement.** The voluntary correction agreement is a contract between the city and the person responsible for the violation under which that person agrees to abate the violation within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:

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

3. A description of the violation and a reference to the regulations which have been violated;

4. An acknowledgement by the person responsible for the violation that the violation described in the correction agreement exists;

5. The necessary corrective action to be taken, the date or time by which correction must be completed, and an acknowledgement by the person responsible for the violation that he or she will correct the violation within the time specified in the voluntary correction agreement;

6. Acknowledgement by the person responsible for the violation that the city may inspect the premises as may be necessary, during reasonable times, to determine compliance with the voluntary correction agreement;

7. Acknowledgement by the person responsible for the violation that the city may abate the violation and recover its costs and expenses of enforcement and abatement and/or a monetary penalty pursuant to this chapter from the person responsible for the violation if the terms of the voluntary correction agreement are not met; and

8. The time and place for a hearing before the administrative hearing examiner in the event that the alleged violation is not abated by the person responsible for the violation.

E. **Extension; Modification.** An extension of the time limit for correction or a modification of the required corrective action may be granted by the code enforcement officer if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation but unforeseen circumstances render correction under the original conditions unattainable.

F. **Abatement by the City.** In addition to any other remedy provided for in this chapter, the city may seek abatement of the violation in accordance with CEMC Section 8.60.110 if the terms of the voluntary correction agreement are not met.

G. **Penalties and Costs.** If the terms of the voluntary correction agreement are not met, the person responsible for the violation may be assessed a monetary penalty plus all costs of enforcement pursuant to CEMC Section 8.60.090 and costs of abate-

ment pursuant to CEMC Section 8.60.110. (Ord. 1255 § 1 (Exh. A (part)), 2006)

#### **8.60.040 Notice of civil violation.**

A. Issuance of Notice of Violation. When the code enforcement officer determines that a violation has occurred or is occurring, and does not secure voluntary correction pursuant to CEMC Section 8.60.030, the code enforcement officer may issue a notice of civil violation to the person responsible for the violation.

B. Content of Notice. The notice of civil violation shall include the following:

1. The name and address of the person responsible for the violation;
2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;
3. A description of the violation and a reference to the code provisions and regulations that have been violated;
4. The required corrective action and the date and time by which the corrective action must be completed;
5. The date, time and location of a hearing before the administrative hearing examiner;
6. A statement indicating that the hearing will be canceled and no monetary penalty will be assessed if the code enforcement officer approves the completed, required corrective action at least forty-eight hours prior to the hearing;
7. A statement that the costs and expenses of enforcement incurred by the city and a monetary penalty in an amount per day for each violation pursuant to CEMC Section 8.60.090 and costs of abatement pursuant to CEMC Section 8.60.110 may be assessed against the person to whom the notice of civil violation is directed as specified and ordered by the administrative hearing examiner; and
8. A statement that the failure to attend the hearing before the administrative hearing examiner may result in a default judgment against the person responsible for the violation, whereby the administrative hearing examiner may enter judgment in favor of

the city, assess penalties and costs against the person responsible for the violation, and order the abatement of the violation at the expense of the person responsible for the violation.

C. Extension. Extensions of the time specified in the notice of civil violation for correction of the violation may be granted at the discretion of the code enforcement officer; the city attorney, or his or her designee; or by order of the administrative hearing examiner.

D. Service of Notice. The code enforcement officer shall serve or cause to be served the notice of civil violation upon the person responsible for the violation by personal service pursuant to subsection (E)(1) of this section, or by mail pursuant to subsection (E)(2). If the person responsible for the violation cannot be reasonably personally served within the city and if an address for mailed service cannot be ascertained notice shall be served by posting a copy of the notice of civil violation conspicuously on the affected property or structure pursuant to subsection (E)(3) of this section and/or publication pursuant to subsection (E)(4).

E. Methods of Service Defined. The methods of service of notice as used in this chapter are defined as follows:

1. Personal Service. Personal service on the person responsible for the violation shall mean handing the notice to the person responsible for the violation or leaving it at his or her dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or leaving it at his or her office or place of employment with a person in charge thereof; or

2. Mailing. Mailing shall mean mailing notice to the last known address of the person responsible for the violation which shall be accomplished by placing one copy of the notice of violation in the mail of the United States by ordinary first class mail, directed to the last known address of the person responsible for the violation, and by placing another copy in the mail of the United States in a form requiring a signed receipt showing when and to whom it was delivered and directed to the last known address of the person responsible for the violation. The last



known address shall include the address appearing on the last equalized tax assessment roll of the county assessor; or

3. **Posting.** Posting shall mean posting a copy of the notice in a conspicuous place on the property, with at least one copy of such notice placed at the entryway to the property or structure, if an entryway exists, or other conspicuous place on the property; or

4. **Publication.** Publication of notice shall mean publication as set forth in RCW 4.28.100.

F. **Proof of Service.** Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if by posting and/or publication in lieu of personal service or mail, the facts showing that due diligence was used in attempting to serve the person personally or by mail. (Ord. 1255 § 1 (Exh. A (part)), 2006)

#### **8.60.050 Stop work order.**

In addition to any remedy provided for in this chapter, the code enforcement officer may issue a stop work order whenever a violation of a regulation will materially impair the code enforcement officer's ability to secure compliance, or when a violation of the regulation threatens the health, safety, or welfare of any member of the public or occupants of the property. The stop work order shall contain substantially the same information as required by CEMC Section 8.60.040(B) and may be appended to, or incorporate by reference in, a notice of violation. Notice of the stop work order shall be deemed served upon posting of the notice as required by CEMC Section 8.60.040(E)(3), and shall be effective upon service. The violation of a stop work order shall constitute a misdemeanor, punishable by imprisonment in jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine. (Ord. 1255 § 1 (Exh. A (part)), 2006)

#### **8.60.060 Cease and desist order.**

In addition to any remedy provided for in this chapter, the code enforcement officer may issue a cease and desist order whenever a violation of a regulation threatens the health, safety, or welfare of any member of the public or occupants of the property. The cease and desist order shall contain substantially the same information as required by CEMC Section 8.60.040(B), and may be appended to, or incorporate by reference in, a notice of violation. Notice of the cease and desist order shall be deemed served upon posting of the notice as required by CEMC Section 8.60.040(E)(3), and shall be effective upon service. The violation of a cease and desist order shall constitute a misdemeanor, punishable by imprisonment in jail for a maximum term fixed by the court of not more than ninety days, or be a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine. (Ord. 1255 § 1 (Exh. A (part)), 2006)

#### **8.60.065 Notice to vacate.**

In addition to any remedy provided for in this chapter, the code enforcement officer may issue a notice to vacate whenever a violation of a regulation results in a condition as to make it immediately dangerous to life, limb, property or safety of the public or occupants of the property. The notice to vacate shall contain substantially the same information as required by CEMC Section 8.60.040(B), and may be appended to, or incorporate by reference in, a notice of violation. Notice of the notice to vacate shall be deemed served upon posting of the notice as required by CEMC Section 8.60.040(E)(3), and shall be effective upon service. The violation of a notice to vacate shall constitute a misdemeanor, punishable by imprisonment in jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by such imprisonment and fine. (Ord. 1255 § 1 (Exh. A (part)), 2006)

**8.60.070 Removal of stop work, cease and desist order, or notice to vacate—Misdemeanor.**

The removal of a stop work order or cease and desist order posted in conformity with the requirements of CEMC Section 8.60.050 or CEMC Section 8.60.060, without the authorization of the code enforcement officer or administrative hearing examiner, shall constitute a misdemeanor, punishable by imprisonment in jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine. (Ord. 1255 § 1 (Exh. A (part)), 2006)

**8.60.080 Hearing before the administrative hearing examiner.**

A. Notice. A person to whom a notice of civil violation is issued will be scheduled to appear before the administrative hearing examiner not less than ten calendar days from the date of service of the notice of violation or entrance into a voluntary correction agreement. In the event that the hearing is held after the person responsible for the violation enters a voluntary correction agreement, the date of the hearing shall be the date specified in the voluntary correction agreement. An extension for the time for compliance with the correction requirements of a notice of violation or a voluntary correction agreement, as well as the date and time for a hearing before the administrative hearing examiner, may be granted at the discretion of the code enforcement officer; the city attorney, or his or her designee; or the administrative hearing examiner.

B. Prior Correction of Violation. The hearing will be canceled and no monetary penalty will be assessed if the code enforcement officer or the city attorney, or his or her designee, approves the completed corrective action at least forty-eight hours prior to the scheduled hearing.

C. Procedure. Except as otherwise provided for herein, the administrative hearing examiner shall conduct a hearing on the civil violation pursuant to Chapter 2.13, CEMC. The city and the person to whom the notice of civil violation was directed may

participate in the hearing and each party, or its legal representatives, may call witnesses and present evidence. The city shall have the burden of proving, by a preponderance of the evidence, that a violation has occurred and that the corrective action required by the code enforcement officer is reasonably calculated to correct the violation. Formal rules of evidence shall not apply to any such hearing.

D. Decision of the Administrative Hearing Examiner.

1. In the event that the administrative hearing examiner determines that a violation occurred or is occurring, the administrative hearing examiner shall issue an order to the person responsible for the violation which contains the following information:

- a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;
- b. The required corrective action;
- c. The date and time by which the correction must be completed;
- d. The monetary penalties and costs of enforcement, if any, assessed pursuant to CEMC Section 8.60.090 and costs of abatement, if any, assessed pursuant to CEMC Section 8.60.110;
- e. The date and time after which the city may proceed with abatement of the unlawful condition if the required correction is not completed.

E. Notice of Decision. The administrative hearing examiner shall mail a copy of the decision by first class regular mail to the person to whom the notice of a civil violation was issued and to the code enforcement officer within ten working days of the hearing, unless the administrative hearing examiner determines that more time is necessary.

F. Failure to Appear. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the administrative hearing examiner may issue at the city's request, or upon his or her own ruling, an order of default, assess the appropriate penalty and costs pursuant to CEMC Section 8.60.090 and order abatement of the violation at the expense of the person responsible for the violation. The city may serve notice of the default and penalty and cost assessment on the person responsible.

ble for the violation and enforce the administrative hearing examiner's order and recover all costs of abatement, related costs of enforcement, including the cost of the hearing and any monetary penalty from that person. Within seven days after service of the default order, the party against whom it was entered may file a written motion requesting that the order be vacated. The administrative hearing examiner may, at his or her discretion, based upon a showing of good cause, vacate the order of default, and schedule the matter for hearing. In the event that the default order is vacated, the person against whom it was entered shall pay all costs attributable to his or her failure to appear.

G. Appeal to Superior Court. An appeal of the decision of the administrative hearing examiner must be filed with the superior court within twenty-one calendar days of the issuance of the decision. (Ord. 1255 § 1 (Exh. A (part)), 2006)

#### **8.60.090 Violations—Monetary penalty and costs.**

A. Assessment of Monetary Penalty. The administrative hearing examiner shall, upon finding that a violation of a regulation has occurred, assess a monetary penalty in an amount of five hundred dollars for each violation. Each day, or a portion thereof, that a violation exists constitutes a separate and distinct offense for which a monetary penalty may be assessed. The administrative hearing examiner shall have the discretion to assess a lesser amount per day if he or she believes the situation warrants such. The monetary penalty shall, at the discretion of the administrative hearing examiner, be assessed as of:

1. The date of the issuance of the notice of civil violation; or
2. The date on which the matter was heard by the administrative hearing examiner; or
3. The date upon which the person responsible for the violation is or was to have corrected the violation.

B. Costs. In addition, the administrative hearing examiner may assess costs of enforcement as defined in CEMC Section 8.60.020(H) and costs of abatement as defined in CEMC Section 8.60.020(G).

C. Modification of Monetary Penalty. Upon a finding that the person responsible for the violation will correct the violation within a reasonable time of the hearing, the administrative hearing examiner may postpone the assessment of the monetary penalty for a reasonable period. If, prior to the expiration of the period of postponement the code enforcement officer or the city attorney or his or her designee is satisfied that the violation has been corrected, the administrative hearing examiner or the city attorney may relieve the person responsible for the violation of the duty to pay all or a portion of the monetary penalty. If, after the period of postponement, the violation has not been corrected, the penalties assessed against the person responsible for the violation shall be assessed from the date of the violation, and payment shall be due.

D. Monetary Penalty for Repeat Violations. The administrative hearing examiner shall, upon finding that a repeat violation as defined in CEMC Section 8.60.020(N) has occurred, assess a monetary penalty in an amount of one thousand dollars for each repeat violation, per day, or a portion thereof. The administrative hearing examiner shall have the discretion to assess a lesser amount per day if he or she believes the situation warrants such.

E. Collection of Costs and Monetary Penalties. The costs and monetary penalties assessed pursuant to this section constitute a personal obligation of the person to whom the notice of civil violation is directed or the person responsible for the violation. Any costs or monetary penalties assessed must be paid to the city within ten calendar days from the date of mailing of the administrative hearing examiner's decision or a notice from the city that costs or penalties are due. The city attorney, or his or her designee, is authorized to take legal action to collect the costs or monetary penalties including filing civil actions or turning the matter over to collection pursuant to CEMC Section 8.60.130.

F. Continued Duty to Correct. Payment of a monetary penalty pursuant to this chapter does not relieve the person responsible for the violation of the duty to correct the violation. (Ord. 1255 § 1 (Exh. A (part)), 2006)

**8.60.100 Subsequent repeat violation—  
Failure to abate—Misdemeanor.**

The commission of a subsequent violation or the failure or refusal to abate a violation pursuant to an order of the administrative hearing examiner after receipt of written notice of such order shall constitute a misdemeanor punishable by imprisonment in jail for a maximum term fixed by the court of not more than ninety days or by a fine in an amount fixed by the court of not more than one thousand dollars or by both such imprisonment and fine. The city attorney, or his or her designee, shall, at his or her discretion, have authority to file a subsequent violation as either a civil violation pursuant to this chapter or a misdemeanor. All misdemeanor charges filed under this section shall be filed with the Cle Elum Municipal Court and shall bear the signature of the Cle Elum city attorney or his or her designee. When the city files a criminal offense pursuant to this subsection, it shall have the burden of proving, beyond a reasonable doubt, that the violation occurred. (Ord. 1255 § 1 (Exh. A (part)), 2006)

**8.60.110 Abatement.**

A. In General. At the hearing before the administrative hearing examiner, the code enforcement officer or the city attorney or his or her designee may request that an order of abatement issue in the event that the administrative hearing examiner determines that a violation of a regulation exists. The order of abatement shall require the person responsible for the violation to abate the violation and permit the city to abate the violation using lawful means in the event that the person responsible for the violation fails to do so. The city may seek such judicial process as it deems necessary to effect the removal or correction of such condition causing the violation.

B. Abatement by the City. The city may abate a condition which was caused by or continues to be a civil violation when:

1. The terms of voluntary correction agreement pursuant to CEMC Section 8.60.030 have not been met; or

2. A notice of civil violation has been issued pursuant to CEMC Section 8.60.040 and (a) a hear-

ing has been held pursuant to CEMC Section 8.60.080 and the required correction has not been completed by the date specified in the administrative hearing examiner's order, or (b) a hearing has been held by a court of competent jurisdiction and the required correction has not been completed by the date specified in the court's order; or

3. The condition is subject to summary abatement as provided for in CEMC Section 8.60.110(C).

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

D. Authorized Action by the City. Using any lawful means, the city may enter upon the subject property and may remove or correct the condition which is subject to abatement. The city may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

E. Interference. Any person who knowingly obstructs, impedes, or interferes with the city or its agents, or with the person responsible for the violation in the performance of duties imposed by this chapter, shall be guilty of a misdemeanor punishable by imprisonment not exceeding ninety days and a fine not exceeding one thousand dollars.

F. Other Abatement Proceedings Not Precluded. Nothing in this section shall prohibit the city from pursuing abatement pursuant to any other laws of the state of Washington or the city of Cle Elum. (Ord. 1255 § 1 (Exh. A (part)), 2006)

**8.60.120 Costs of abatement—Lien.**

A. **Costs of Abatement.** The costs and incidental expenses of any abatement action taken by the city as defined in CEMC Section 8.60.020(G), including costs of enforcement set forth in CEMC Section 8.60.020(H), shall become a charge to the person responsible for the violation. These charges may be assessed against the person responsible for the violation or the property upon which the violation occurred. Costs of abatement must be paid to the city within ten calendar days from the date of mailing of notice from the city that the costs are due. The city may use any lawful means to collect charges, including but not limited to those set forth in CEMC Section 8.60.130. The city attorney, or his or her designee, is authorized to take legal action to collect the costs of any abatement. All such costs and expenses shall constitute a lien against the affected property, as set forth in CEMC Section 8.60.120(B).

**B. Lien—Authorized.**

1. **Account of Expense.** The code enforcement officer shall keep an itemized account of expense incurred for the cost of abatement of property. Upon completion of the work, the code enforcement officer shall prepare and file with the city clerk, a report specifying the work done, the itemized total cost of the work, including administrative charge, a description of the property abated, and the name and addresses of the owner or agent, and occupant or tenant if known.

2. **Report Transmitted to Council.** Upon receipt of the report, the city clerk shall present it to council for consideration. The council shall fix a time, date and place for hearing the report and any protests or objections thereto. The city clerk shall cause notice of said hearing to be posted upon the property involved, and served by certified mail, postage prepaid, addressed to the owner or agent of the owner, and occupant or tenant if known. If the tenant or occupant is not known, notice shall be sent by first class mail to the occupant of the residence subject to the abatement. Such notice will be given at least ten days prior to the date set for hearing and shall specify the date, hour and place when the council will hear and pass upon the code enforcement officer report, together

with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge. Notice of the hearing shall also be published in a newspaper of general circulation in the city of Cle Elum when required by law.

3. **Protests and Objections.** Any person interested in or affected by the proposed charge may file written protests or objections with the city clerk prior to the hearing. Each protest must state the grounds of such protest or objection. The clerk shall present such protests and objections to the council at the time of the hearing and no other protests or objections will be considered.

4. **Hearing.** The council shall hear and pass upon the report of the code enforcement officer, together with objections and protests. The council may revise or modify the report as it may deem just. When the council is satisfied with the correctness of the charge, the report, together with the charge, shall be confirmed or rejected. The decision of the council on the report and the charge, and on all protests or objections, shall be final and conclusive.

C. **Assessment Against Property.** The city shall have a lien for the costs and incidental expenses of any abatement as defined in CEMC Section 8.60.080, for the cost of any abatement action taken by the city, under this chapter, against the real property on which the work of abatement was performed as follows:

1. **Unfit Structures.** Liens established as the result violations of the Building Code for the Abatement of Dangerous Buildings as adopted pursuant to CEMC Chapter 15.06 assessed pursuant to said code. Pursuant to RCW 35.80.030(1)(h) and as supplemented by CEMC authorized by RCW 35.80.030(5), both incorporated herein by reference, the lien shall be assessed upon the tax rolls of the subject property and shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be on a parity.

2. **Garbage.** Liens for garbage and rubbish abatement shall be assessed against the subject property pursuant to RCW 35.21.140 and RCW 35.21.150

and shall be prior to all liens filed subsequent to the filing of the notice of lien with the county auditor, except liens of general taxes and local improvements.

3. Nuisance Vegetation. Liens for nuisance vegetation abatement, when initiated by city council resolution, whether or not enforced in conjunction with a hearing before the administrative hearing examiner pursuant to CEMC Section 8.60.080, shall be assessed against the subject property pursuant to RCW 35.21.310 and shall be enforced and foreclosed in the manner as provided by law for liens for labor and materials.

4. Other. Other liens shall be assessed against the subject property as authorized by law or court order. (Ord. 1255 § 1 (Exh. A (part)), 2006)

#### **8.60.130 Collection of penalties and costs.**

A. Collection. In addition to, or in lieu of the provisions set forth in this chapter, the city may, at its option, turn the matter over to collection or commence a civil action in any court of competent jurisdiction to collect costs and expenses of enforcement, costs of abatement incurred by the city to obtain compliance pursuant to this chapter and/or to collect any penalties that have been assessed. Further, the city administration, upon concurrence of the city attorney, may file for injunctive or other civil relief in superior court regarding code violations.

B. Use of Collection Agency. The city, at its discretion, may, pursuant to Chapter 19.16 RCW, use a collection agency for the purposes of collecting penalties assessed pursuant to this chapter. The city shall add a reasonable fee, payable by the person responsible for the debt, to the outstanding debt for the collection agency fee incurred or to be incurred as a result of the use of the collection agency. No debt may be assigned to a collection agency until at least thirty days have elapsed from the time that the city attempts to notify the person responsible for the debt of the existence of the debt and that the debt may be assigned to a collection agency for collection if the debt is not paid. (Ord. 1255 § 1 (Exh. A (part)), 2006)

#### **8.60.140 Additional enforcement procedures.**

A. The provisions of this chapter are not exclusive, and may be used in addition to or in conjunction with other enforcement and penalty provisions authorized by the Cle Elum City Code or state law.

B. In lieu of and as an alternative to a hearing before the administrative hearing examiner pursuant to CEMC Section 8.60.080, the city may file an action in a court of competent jurisdiction to seek enforcement of a notice of violation issued pursuant to CEMC Section 8.60.040, abatement of the violation pursuant to CEMC Section 8.60.110 and assessment and collection of penalties, costs and abatement as provided for in this chapter. (Ord. 1255 § 1 (Exh. A (part)), 2006)

#### **8.60.150 Conflicting code provisions.**

In the event a conflict exists between the enforcement provisions of this chapter and the enforcement provisions of any uniform code, statute, or regulation that is adopted in the Cle Elum City Code that are subject to the enforcement provisions of this chapter, the enforcement provisions of this chapter will prevail, unless the enforcement provisions of this chapter are preempted or specifically modified by said code, statute, or regulation. (Ord. 1255 § 1 (Exh. A (part)), 2006)

#### **8.60.160 Duty not creating liability.**

No provision or term used in this title is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action. (Ord. 1255 § 1 (Exh. A (part)), 2006)

## **Title 9**

### **PUBLIC PEACE, MORALS AND WELFARE**

#### **Chapters:**

- 9.01 Substance Abuse**
- 9.04 Assault and Battery**
- 9.08 Houses of Ill Fame**
- 9.12 Disorderly Conduct**
- 9.16 Expectoration**
- 9.20 Theft**
- 9.24 Trespass and Vehicle Prowling**
- 9.28 Minors**
- 9.30 Curfew**
- 9.32 Dangerous Weapons**
- 9.36 Discharge of Guns**
- 9.40 Carrying of Firearms—Exemption from State Prohibition**
- 9.44 Violation of Domestic Violence Orders**
- 9.48 Violation of No-harassment Orders**
- 9.52 Violation of Civil Anti-harassment Protection Orders**
- 9.56 Violation of No-contact Orders**
- 9.60 Interference With Reporting Domestic Violence**
- 9.64 Possession of Marijuana**
- 9.68 Possession of Drug Paraphernalia**
- 9.72 Carrying Pistol Without Permit**
- 9.80 Reckless Endangerment**
- 9.84 Minors in Possession of Liquor**





**Chapter 9.01****SUBSTANCE ABUSE****Sections:**

**9.01.010 Substance abuse—Violation—Penalty.**

**9.01.010 Substance abuse—Violation—Penalty.**

In any case arising out of violation of this code where an accused has been convicted of possession of marijuana or an offense relating to the use, possession or consumption of alcohol, there shall be, in addition to any fine levied pursuant to Section 1.16.010 of this code, a penalty in the amount of one hundred dollars per offense, which shall be non-suspendable, and which shall be paid into the police department's substance abuse prevention fund. The fact that this penalty is imposed in each case shall not in any way reduce the obligation of the accused to pay the fine prescribed by the court. In no case shall the fine pursuant to Section 1.16.010 of this code and the penalty enacted above exceed the total amount of five thousand dollars. (Ord. 896 § 4, 1989)

**Chapter 9.04****ASSAULT AND BATTERY****Sections:**

**9.04.010 Designated.**  
**9.04.020 Violation—Penalty.**

**9.04.010 Designated.**

Any person who is guilty of assault or assault and battery or who engages in any fight or quarrel within the limits of the city shall be guilty of a misdemeanor. (Ord. 23 § 2, 1902)

**9.04.020 Violation—Penalty.**

Anyone convicted of violating any of the provisions of this chapter shall be fined in any sum not exceeding three hundred dollars, or imprisoned for any period of time not to exceed ninety days, or both fined and imprisoned as provided in this section. (Ord. 436 § 1 (part), 1949; Ord. 23 § 4 (part), 1902)

**Chapter 9.08****HOUSES OF ILL FAME****Sections:**

- 9.08.010      Unlawful.**  
**9.08.020      Violation—Penalty.**

**9.08.010      Unlawful.**

It is unlawful for any person or persons to keep any house of ill fame, within the limits of the city, resorted to for the purpose of prostitution and lewdness, or to reside in such house for the purpose aforesaid. (Ord. 17 § 1, 1912)

**9.08.020      Violation—Penalty.**

Any person violating any of the provisions of this chapter is deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than ten dollars and not more than one hundred dollars. (Ord. 17 § 2, 1912)

**Chapter 9.12****DISORDERLY CONDUCT****Sections:**

- 9.12.010      Designated.**  
**9.12.020      Violation—Penalty.**

**9.12.010      Designated.**

Any person or persons who are guilty of any violent, riotous or disorderly conduct, or who use any profane, abusive or obscene language within the limits of the city, or who are found in a drunken or intoxicated condition are guilty of a misdemeanor. (Ord. 23 § 1, 1902)

**9.12.020      Violation—Penalty.**

Anyone convicted of violating any of the provisions of this chapter shall be fined in any sum not exceeding three hundred dollars, or imprisoned for any period of time not to exceed ninety days, or both fined and imprisoned as provided in this section. (Ord. 436 § 1 (part), 1949; Ord. 23 § 4 (part), 1902)

**Chapter 9.16****EXPECTORATION****Sections:**

- 9.16.010 Prohibited—Where.  
 9.16.020 Enforcement.  
 9.16.030 Violation—Penalty.

**9.16.010 Prohibited—Where.**

It is unlawful for any person to expectorate or spit upon the floor, or any other part, of any street railway car, or cars in use by steam railroads, or any other public conveyance in the city, or upon the floor or other portions of any public building, or building used for public assemblage, or upon any playground, park, public places or sidewalks and crosswalks; provided, that the prohibitions contained in this section shall not apply to those portions of the public streets of the city commonly and ordinarily used for team and vehicle traffic. (Ord. 135 § 1, 1912)

**9.16.020 Enforcement.**

It is the duty of the police department and health officer of the city to enforce the provisions of this chapter. (Ord. 135 § 2, 1912)

**9.16.030 Violation—Penalty.**

Any person found guilty of the violation of this chapter shall be fined in any sum not exceeding the sum of fifty dollars. (Ord. 135 § 3, 1912)

**Chapter 9.20****THEFT****Sections:**

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

**9.20.010 Intent.**

A person acts with intent or intentionally when he acts with the objective or purpose to accomplish a result which constitutes a violation of this chapter. (Ord. 731 § 1, 1978)

**9.20.020 Definitions.**

The following definitions are applicable unless the context otherwise requires:

A. "Appropriate lost or misdelivered property or services" means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property.

B. "By color or aid of deception" means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services.

C. "Credit card" means any instrument or device, whether incomplete, revoked, or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any other name, issued with or without fee for the use of the cardholder in obtaining money, goods, services, or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder, either on credit or in consideration of an undertaking or guarantee by the issuer.

D. "Deception" occurs when an actor knowingly:

1. Creates or confirms another's false impression which the actor knows to be false; or
2. Fails to correct another's impression which the actor previously has created or confirmed; or
3. Prevents another from acquiring information material to the disposition of the property involved; or
4. Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official records; or
5. Promises performance which the actor does not intend to perform or knows will not be performed.

E. "Deprive" means to make unauthorized use of an unauthorized copy of records, information, data, trade secrets, or computer programs; provided, that the aforementioned are of a private proprietary nature.

F. "Obtain control over" means:

1. In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or
2. In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another.

G. "Wrongfully obtains" or "exerts unauthorized control," means:

1. To take the property or services of another; or
2. Having any property or services in one's possession, custody or control as bailee, factor, pledgee, servant, attorney, agent, employee, trustee, executor, administration, guardian, or officer of any person, estate, association, or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his own use or to the use of any person other than the true owner or person entitled thereto.

H. "Owner" means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without

whose consent the actor has no authority to exert control over the property or services.

I. "Receive" includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property.

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

K. Value:

1. "Value" means the market value of the property or services at the time and in the approximate area of the criminal act.

2. Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:

a. The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied.

b. The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of the ticket or equivalent instrument which the issuer charged the general public.

c. The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

3. Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding two hundred fifty dollars. (Ord. 731 § 4, 1978)

**9.20.030 Definition—Defense.****A. "Theft" means:**

1. To wrongfully obtain or exert unauthorized control over the property or services of another or the value thereof, with intent to deprive him of such property or services; or

2. By color or aid of deception to obtain control over the property or services of another or the value thereof, with intent to deprive him of such property or services; or

3. To appropriate lost or misdelivered property or services of another, or the value thereof, with intent to deprive him of such property or services.

**B.** In any prosecution for theft, it is a sufficient defense that the property or service was appropriated openly and avowedly under a claim of title preferred in good faith, even though the claim be untenable. (Ord. 731 § 5, 1978)

**9.20.040 Offense.**

A person is guilty of theft if he commits theft of property or services which does not exceed two hundred fifty dollars in value or which does not amount to a felony theft. (Ord. 731 § 6, 1978)

**9.20.050 Knowledge.**

A person knows or acts knowingly or with knowledge when:

**A.** He is aware of a fact, facts, or circumstances or result described by this chapter; or

**B.** He has information which would lead a reasonable man in the same situation to believe that facts exist which facts are described in this chapter. (Ord. 731 § 2, 1978)

**9.20.060 Complicity.**

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

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

1. Acting with the kind of culpability that is sufficient for the commission of the offense de-

scribed in this chapter, he causes an innocent or irresponsible person to engage in such conduct; or

2. He is an accomplice of such other person in the commission of the violation of this chapter.

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

1. Solicits, commands, encourages, or requests such other person to commit it; or

2. Aids or agrees to aid such other person in planning or committing it.

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

1. He is a victim of the violation; or

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

**E.** A person legally accountable for the conduct of another person may be convicted on proof of the commission of the violation of this chapter and of his complicity therein, though the person claimed to have committed the violation of this chapter has not been prosecuted or convicted or has been convicted of a violation of a different ordinance or has an immunity to prosecution or conviction or has been acquitted. (Ord. 731 § 3, 1978)

**9.20.070 Violation—Penalty.**

Any person found guilty of theft as defined in this chapter shall be fined in an amount not to exceed five hundred dollars. (Ord. 731 § 7, 1978)

## Chapter 9.24

### TRESPASS AND VEHICLE PROWLING

#### Sections:

9.24.010	<b>Intent.</b>
9.24.020	<b>Definitions.</b>
9.24.030	<b>Trespass—Designated.</b>
9.24.040	<b>Trespass—Defenses.</b>
9.24.050	<b>Vehicle prowling—Defined.</b>
9.24.060	<b>Knowledge.</b>
9.24.070	<b>Complicity.</b>
9.24.080	<b>Penalty.</b>

#### 9.24.010 Intent.

A person acts with intent or intentionally when he acts with the objective or purpose to accomplish a result which constitutes a violation of this chapter. (Ord. 738 § 1, 1978)

#### 9.24.020 Definitions.

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

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

D. "Premises" means and includes any building, dwelling, or any real property. (Ord. 738 § 4, 1978)

#### 9.24.030 Trespass—Designated.

A person is guilty of trespass if he knowingly enters or remains unlawfully in or upon premises of another. (Ord. 738 § 5, 1978)

#### 9.24.040 Trespass—Defenses.

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

- A. A building involved was abandoned; or
- B. The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or
- C. The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain. (Ord. 738 § 6, 1978)

#### 9.24.050 Vehicle prowling—Defined.

A person is guilty of vehicle prowling, if, with intent to commit a crime against a person or property therein, he enters or remains unlawfully in a vehicle. (Ord. 738 § 7, 1978)

#### 9.24.060 Knowledge.

A person knows or acts knowingly or with knowledge when:

- A. He is aware of a fact, facts, or circumstances or result described by this chapter; or
- B. He has information which would lead a reasonable man in the same situation to believe that facts exist which facts are described by this chapter. (Ord. 738 § 2, 1978)

#### 9.24.070 Complicity.

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

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

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

2. He is an accomplice of such other person in the commission of the violation of this chapter.

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

1. Solicits, commands, encourages, or requests such other person to commit it; and

2. Aids or agrees to aid such other person in planning or committing it.

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

1. He is a victim of the violation; or

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

E. A person legally accountable for the conduct of a another person may be convicted on proof of the commission of the violation of this chapter and of his complicity therein, though the person claimed to have committed the violation of this chapter has not been prosecuted or convicted or has been convicted of a violation of a different ordinance or has an immunity to prosecution or conviction or has been acquitted. (Ord. 738 § 3, 1978)

#### **9.24.080 Violation—Penalty.**

Any person found guilty of trespass or vehicle prowling as defined in this chapter shall be fined in an amount not to exceed five hundred dollars. (Ord. 738 § 8, 1978)

## **Chapter 9.28**

### **MINORS**

#### **Sections:**

<b>9.28.010</b>	<b>Definitions.</b>
<b>9.28.020</b>	<b>Consumption of liquor by minors.</b>
<b>9.28.030</b>	<b>Sale to minors—Prohibited.</b>
<b>9.28.040</b>	<b>Violation—Penalty.</b>

#### **9.28.010 Definitions.**

The terms "liquor" or "intoxicating liquor" mean alcohol, spirits, wine and beer, and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquor or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid or other substance, which contain more than one percent of alcohol by weight, shall be conclusively deemed to be intoxicating. (Ord. 484 § 1, 1952)

#### **9.28.020 Consumption of liquor by minors.**

It is unlawful for any person under the age of twenty-one years to acquire in any manner, consume, or have in his possession any intoxicating liquor; provided, that the foregoing shall not apply in the case of liquor given or permitted to be given to such person under the age of twenty-one years by his parents or guardian for medicinal purposes pursuant to the written prescription of his physician or dentist, or administered to him by his physician or dentist for medicinal purposes. (Ord. 484 § 2, 1952)

#### **9.28.030 Sale to minors—Prohibited.**

Except as provided in Section 9.36.020, it is unlawful for any person to sell, give or otherwise supply intoxicating liquor to any person under the age of twenty-one years, or to any person apparently under the influence of liquor, or to any interdicted

person (habitual drunkard), in the city; or to permit any such person to consume intoxicating liquor on his premises or on any premises under his control in the city. (Ord. 484 § 3, 1952)

#### **9.28.040 Violation—Penalty.**

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than ten dollars nor more than two hundred dollars or to imprisonment in the city jail for not more than sixty days, or by both such fine and imprisonment. (Ord. 484 § 4, 1952)

## **Chapter 9.30**

### **CURFEW**

#### **Sections:**

<b>9.30.010</b>	<b>Purpose.</b>
<b>9.30.020</b>	<b>Definitions.</b>
<b>9.30.030</b>	<b>General prohibition.</b>
<b>9.30.040</b>	<b>Exemptions.</b>
<b>9.30.050</b>	<b>Authority to enforce.</b>
<b>9.30.060</b>	<b>Violation—Penalty.</b>

#### **9.30.010 Purpose.**

A. The city council of the city has determined that it is generally contrary to the well-being of juveniles to be outside their residences in the late night and early morning hours unsupervised and with no specific purpose.

B. In order to protect those juveniles who are not subject to adequate parental control from harm to themselves or others or the property of others and to foster better parental responsibility among the parents and guardians of juveniles found with the city, some regulation of parental control of juvenile children is appropriate.

C. Control of parents and guardians of juveniles who are in danger of harm to themselves and others based on certain proscribed conduct is to be accomplished to achieve better protection of the community and the juveniles.

D. The city council has received information from the police department that juveniles who are not adequately supervised by their parents and/or guardians have become engaged in criminal activity at certain times and within certain areas of the city. It is the intent of this chapter to impose control upon the parents and/or guardians of juveniles who are present at certain times and certain places within the city to protect those juveniles and the community. (Ord. 1022 § 1 (part), 1995)

#### **9.30.020 Definitions.**

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



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

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

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

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

"School nights" means any night or early morning hours immediately preceding a regular school day as scheduled by the Cle Elum-Roslyn School District. (Ord. 1022 § 1 (part), 1995)

#### **9.30.030 General prohibition.**

No parent or custodian shall allow or permit any child he or she is responsible for to remain in or upon the public streets, roadways, alleys, parks, playgrounds or cemeteries, or in or upon private property, other than the child's usual place of residence, which is unoccupied, vacant, abandoned, or is not otherwise supervised by a reasonable adult between the hours of ten p.m. to five a.m. on school nights and between eleven p.m. and five a.m. on nonschool nights, except as otherwise permitted under the provisions of this chapter. (Ord. 1046 § 1, 1996; Ord. 1022 § 1 (part), 1995)

#### **9.30.040 Exemptions.**

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

A. Juvenile accompanied by his or her parent or guardian;

B. A juvenile engaged in lawful employment;

C. A juvenile on an errand or on legitimate business pursuant to instructions for his or her parent or guardian;

D. A juvenile involved in an emergency concerning the person or property of himself, herself or another;

E. A juvenile returning home from school or church sponsored activities or from other activities supervised by an adult. The term "returning home" means immediately and directly after participation in such activity, without a broken chain of sequences and time between the end of such event and the time such juvenile returns to his or her residence or such other place as shall be authorized by his or her parent. (Ord. 1022 § 1 (part), 1995)

#### **9.30.050 Authority to enforce.**

Law enforcement officers of the city shall have authority to reasonably stop and momentarily detain a juvenile to obtain his or her name, age and address, as well as the name and address of his or her parent or guardian whenever said law enforcement officer shall reasonably suspect that the parent of such juvenile is in violation of this chapter. Upon determination that the parent or guardian of such juvenile is in fact in violation of this chapter, the law enforcement officer shall direct or deliver the juvenile to the residence of his or her parent or guardian. (Ord. 1022 § 1 (part), 1995)

#### **9.30.060 Violation—Penalty.**

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

involving the same child, the parent or guardian shall be subject to a one hundred dollar penalty together with all required surcharges and assessments. Upon a fourth or subsequent violation involving the same child, the parent or guardian shall be subject to a two hundred fifty dollar penalty together with all required surcharges and assessments.

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

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

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

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

D. At the time the police department issues a warning or notice of infraction to any parent or guardian for violation of this chapter, the police department may consider reporting the circumstanc-

es of such juvenile as needing the intervention of child protective services. (Ord. 1022 § 1 (part), 1995)

**Chapter 9.32****DANGEROUS WEAPONS****Sections:**

- 9.32.010**      **Unauthorized use of firearms—  
Prohibited.**
- 9.32.020**      **Violation—Penalty.**

**9.32.010**      **Unauthorized use of firearms—  
Prohibited.**

Any person who draws, displays or exhibits in a rude, angry or vicious manner, any deadly or dangerous weapon in the presence of two or more persons, or who draws any deadly or dangerous weapon upon the person of another within the limits of the city, or who wilfully discharges or shoots off any pistol, revolver or gun within the limits, shall be deemed guilty of a misdemeanor. (Ord. 23 § 3, 1902)

**9.32.020**      **Violation—Penalty.**

Anyone convicted of violating any of the provisions of this chapter shall be fined in any sum not exceeding three hundred dollars or imprisoned for any period of time not to exceed ninety days, or both fined and imprisoned as provided in this chapter. (Ord. 436 § 1 (part), 1949; Ord. 23 § 4 (part), 1902)

**Chapter 9.36****DISCHARGE OF GUNS****Sections:**

- 9.36.010**      **Gun defined.**
- 9.36.020**      **Prohibited.**
- 9.36.030**      **Violation—Penalty.**

**9.36.010**      **Gun defined.**

"Gun," as used in this chapter, means any rifle, pistol, firearm, airgun, air pistol, B.B. gun; or any other rifle, pistol or weapon forcibly propelling a hard or metallic missile of any type of size. (Ord. 448 § 1, 1949)

**9.36.020**      **Prohibited.**

The discharge of any gun within the city, and the discharge of any gun without the limits of the city in such manner that the missile from the gun falls within the limits of the city, is declared to be unlawful. (Ord. 448 § 2, 1949)

**9.36.030**      **Violation—Penalty.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not exceeding one hundred dollars or imprisoned not to exceed thirty days, or both fined and imprisoned as provided in this section. (Ord. 448 § 3, 1949)

**Chapter 9.40**

**CARRYING OF FIREARMS—EXEMPTION  
FROM STATE PROHIBITION**

**Sections:**

**9.40.010      Exemption from state  
                 prohibition—Details.**

**9.40.010      Exemption from state  
                 prohibition—Details.**

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

B. Pursuant to the authority granted in Chapter 7, Section 405 (6) the city is and shall be exempt from the prohibitions set forth in Chapter 7, Section 405 (4) Laws of the State of Washington 1994 First Extraordinary Session which shall be codified as RCW 9.41.050 (4). (Ord. 1009, 1994)

**Chapter 9.44****VIOLATION OF DOMESTIC VIOLENCE  
ORDERS****Sections:**

**9.44.010**      **Violation of domestic violence  
orders.**

**9.44.010**      **Violation of domestic violence  
orders.**

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

B. Any person convicted of violating any provisions of this chapter shall be fined in an amount not to exceed one thousand dollars, or may be imprisoned for a term not to exceed ninety days, or both. (Ord. 1092, 2000)

**Chapter 9.48****VIOLATION OF NO-HARASSMENT  
ORDERS****Sections:**

**9.48.010**      **Violation of no-harassment  
orders.**

**9.48.010**      **Violation of no-harassment  
orders.**

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

B. Any person convicted of violating any provisions of this chapter shall be fined in an amount not to exceed one thousand dollars, or may be imprisoned for a term not to exceed ninety days, or both. (Ord. 1093, 2000)

**Chapter 9.52**

**VIOLATION OF CIVIL  
ANTI-HARASSMENT PROTECTION  
ORDERS**

**Sections:**

**9.52.010      Violation of civil  
anti-harassment protection  
orders.**

**9.52.010      Violation of civil anti-harassment  
protection orders.**

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

B. Any person convicted of violating any provisions of this chapter shall be fined in an amount not to exceed one thousand dollars, or may be imprisoned for a term not to exceed ninety days, or both. (Ord. 1094, 2000)

**Chapter 9.56**

**VIOLATION OF NO-CONTACT ORDERS**

**Sections:**

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

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

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

B. Any person convicted of violating any provisions of this chapter shall be fined in an amount not to exceed one thousand dollars, or may be imprisoned for a term not to exceed ninety days, or both. (Ord. 1095, 2000)

**Chapter 9.60****INTERFERENCE WITH REPORTING  
DOMESTIC VIOLENCE****Sections:**

**9.60.010 Interference with reporting  
domestic violence.**

**9.60.010 Interference with reporting  
domestic violence.**

A. Every person who interferes with the reporting of domestic violence by: (a) committing a crime of domestic violence, as defined in RCW Section 10.99.020; and (b) preventing or attempting to prevent the victim of, or a witness to, that domestic violence crime from calling a 911 emergency communication system, obtaining medical assistance or making a report to any law enforcement official, shall be guilty of a misdemeanor.

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

C. Any person convicted of violating the provisions of this chapter shall be fined in an amount not to exceed one thousand dollars, or may be imprisoned for a term not to exceed ninety days, or both. (Ord. 1096, 2000)

**Chapter 9.64****POSSESSION OF MARIJUANA****Sections:**

**9.64.010 Possession of marijuana.**

**9.64.010 Possession of marijuana.**

A. It is unlawful for any person to be in possession of forty grams or less of marijuana. "Marijuana" means all parts of the plant of the genus *Cannabis* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

B. Any person found guilty of violating any provisions of this chapter shall be guilty of a misdemeanor.

C. Any person who is convicted of a misdemeanor violation of any provision of this chapter shall be punished by imprisonment for not less than twenty-four consecutive hours, and by a fine of not less than two hundred fifty dollars. On a second or subsequent conviction, the fine shall not be less than five hundred dollars. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or de-

ferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred. (Ord. 1097, 2000)

## **Chapter 9.68**

### **POSSESSION OF DRUG PARAPHERNALIA**

#### **Sections:**

**9.68.010      Possession of drug paraphernalia.**

#### **9.68.010      Possession of drug paraphernalia.**

A. Every person who uses drug paraphernalia as defined in RCW Section 69.50.412, as now provided by law or hereinafter amended, shall be guilty of a misdemeanor.

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

C. A copy of the text of the sections of the Revised Code of Washington adopted by this chapter is placed on file in the office of the city clerk for use and examination by the public. (Ord. 1098, 2000)



**Chapter 9.72****CARRYING PISTOL WITHOUT PERMIT****Sections:****9.72.010 Carrying pistol without permit.****9.72.010 Carrying pistol without permit.**

A. 1. Except in the person's place of abode or fixed place of business, a person shall not carry a pistol concealed on his or her person without a license to carry a concealed pistol.

2. Every licensee shall have his or her concealed pistol license in his or her immediate possession at all times that he or she is required by this section to have a concealed pistol license and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. Any violation of this subsection (A)(2) shall be a class 1 civil infraction under RCW Chapter 7.80 and shall be punished accordingly pursuant to RCW Chapter 7.90 and the infraction rules for courts of limited jurisdiction.

B. A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed pistol and:

1. The pistol is on the licensee's person;
2. The licensee is within the vehicle at all times that the pistol is there; or
3. The licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle.

C. A person at least eighteen years of age who is in possession of an unloaded pistol shall not leave the unloaded pistol in a vehicle unless the unloaded pistol is locked within the vehicle and concealed from view from outside the vehicle.

D. Violation of any of the prohibitions of subsections (B) and (C) of this chapter is a misdemeanor.

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

F. Nothing in this section permits the possession of firearms illegal to possess under state or federal law. (Ord. 1099, 2000)

**Chapter 9.80**

**RECKLESS ENDANGERMENT**

**Sections:**

**9.80.010      Reckless endangerment.**

**9.80.010      Reckless endangerment.**

A. A person is guilty of reckless endangerment when he or she recklessly engages in conduct not amounting to drive-by shooting but that creates a substantial risk of death or serious physical injury to another person.

B. Any person convicted of reckless endangerment under the provisions of this chapter shall be guilty of a misdemeanor.

C. Any person convicted of reckless endangerment under the provisions of this chapter shall be fined in an amount not to exceed one thousand dollars, or may be imprisoned for a term not to exceed ninety days, or both. (Ord. 1100, 2000)

**Chapter 9.84**

**MINORS IN POSSESSION OF LIQUOR**

**Sections:**

**9.84.010      Minors in possession of liquor.**

**9.84.010      Minors in possession of liquor.**

A. It is unlawful for any person under the age of twenty-one years to possess, consume, or otherwise acquire any liquor.

B. Any person convicted of being a person under the age of twenty-one in possession of liquor under the provisions of this chapter shall be guilty of a misdemeanor.

C. Any person convicted of being a person under the age of twenty-one in possession of liquor under the provisions of this chapter shall be fined in an amount not to exceed one thousand dollars, or may be imprisoned for a term not to exceed ninety days, or both. (Ord. 1101, 2000)

## **Title 10**

### **VEHICLES AND TRAFFIC**

#### **Chapters:**

- 10.04 Model Traffic Ordinance**
- 10.08 Speed Limits**
- 10.12 Parking**
- 10.16 Loading and Unloading Zones**
- 10.20 Snowmobiles**
- 10.24 Vehicle Equipment**
- 10.28 Motorized Foot Scooters**
- 10.32 Bicycles and Other Recreational Wheels**



**Chapter 10.04****MODEL TRAFFIC ORDINANCE****Sections:**

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

**10.04.010 Model Traffic Ordinance—Adopted.**

The Model Traffic Ordinance as set forth in the Washington Administrative Code Chapter 308-330 is adopted by reference, as and for the traffic ordinance of the city as if set forth in full in this chapter. (Ord. 1006 § 1, 1994)

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

All fines, forfeitures and penalties assessed and collected with respect to any violation of the provisions of this chapter shall be paid to the general fund of the city. (Ord. 1006 § 2, 1994)

**10.04.030 Copies to be filed for use by public.**

Incident to the adoption of the Model Traffic Ordinance by reference, by this ordinance, copies of the text of the adopted Model Traffic Ordinance, Washington Administrative Code Chapter 308-330 shall be filed as required by RCW 35.21.180 for use and examination by the public. (Ord. 1006 § 3, 1994)

**Chapter 10.08****SPEED LIMITS****Sections:**

- 10.08.010 Designated.**
- 10.08.020 Council may create special parking zones.**
- 10.08.030 State highways.**
- 10.08.040 Penalty for violation.**

**10.08.010 Designated.**

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

A. The maximum speed on First Street between Montgomery Avenue and the east city limits shall be thirty miles per hour;

B. The lower speed limits established in the vicinity of schools by Ordinance 689, and for snowmobiles prescribed by Chapter 10.20, and slower speeds dictated by Ordinance 689 due to dangerous or emergency conditions, shall remain in effect. (Ord. 952 § 1, 1991; Ord. 934 § 1, 1991; Ord. 702 § 1, 1975)

**10.08.020 Council may create special parking zones.**

Pursuant to RCW 46.61.570, the city council may by ordinance designate certain special parking zones for motor buses, taxicabs, police cars, fire department vehicles and automobiles, and other vehicles of a public or emergency nature. Authorized vehicles parked therein shall not be subject to provisions of any other general ordinance of the city prohibiting parking in the designated zones or areas, but the persons in charge of such authorized vehicles must be available nearby and must remove them promptly at the request of any city official or employee and for such time as public need or business shall require. Such special parking zones shall be clearly marked by appropriate signs and curb painting, and it is unlawful for anyone to park unauthorized vehicles therein. (Ord. 702 § 2, 1975)

**10.08.030 State highways.**

It is acknowledged that at the present time all of Interstate Highway 90 lying inside Cle Elum, First Street from Pennsylvania Avenue to the east city limits, Pennsylvania Avenue between First Street and Second Street, and Second Street between Pennsylvania Avenue and the west city limits, are state arterial highways. (Ord. 702 § 4, 1975)

**10.08.040 Penalty for violation.**

Anyone convicted of violating any of the provisions of this chapter shall be punished by a fine of not more than two hundred fifty dollars or imprisoned for not more than thirty days, or both so fined and imprisoned; and in addition, any penalty except additional fine or imprisonment may be exacted and revocation or suspension of license may be enforced if the laws of the state specifically confer jurisdiction upon the police court or police judge of this city to in addition exact such penalty or suspend or revoke such license. (Ord. 702 § 5, 1975)

**Chapter 10.12****PARKING****Sections:**

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

**10.12.010 Angle parking—Required.**

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

B. Diagonal parking is permitted in the residential zoning districts of the city only from Montgomery Avenue to Stafford Avenue as these streets are the only streets that are wide enough to accommodate such diagonal parking. Parallel parking shall be permitted in the remainder of residential streets only. (Ord. 1081 § 2, 1999; Ord. 823 § 1, 1984; Ord. 659 § 1, 1972; Ord. 458 § 1, 1950)

**10.12.020 Angle parking—Compliance required.**

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

the lines or boundaries. (Ord. 823 § 2, 1984; Ord. 458 § 2, 1950)

#### **10.12.030 Parallel parking—Required.**

On all streets other than those designated for permissible angle parking in Section 10.12.010 every vehicle parked upon any street or road within the city shall be parked with the right-hand wheels of the vehicle parallel to and within twelve inches of the right-hand curb and headed in the direction of lawful traffic movement. It shall be unlawful to park two vehicles adjacent to each other (double parking) on any city street. (Ord. 823 § 3, 1984)

#### **10.12.040 Alley parking prohibited.**

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

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

C. Utility repair vehicles, the crews of which are engaged in utility repairs, shall be excepted from prohibitions of this section. (Ord. 912, 1990; Ord. 823 § 4, 1984)

#### **10.12.050 Parking restriction on First Street.**

It shall be unlawful to park any vehicle with an overall length of twenty-six feet or more on First Street, between Stafford Avenue and Peoh Avenue. Temporary parking by utility repair vehicles for specific repair purposes shall not be considered to be a violation of this section. (Ord. 828 § 1, 1984; Ord. 823 § 5, 1984)

#### **10.12.060 Parking—Regulations.**

A. No Parking at any Time. No person shall park or cause to be parked a vehicle upon any of the streets of the city, contrary to "no parking" signs placed or erected by the city.

B. No Parking During Certain Hours. No person shall park or cause to be parked a vehicle upon any of the streets as posted during the hours prohibited by signs placed or erected by the city.

C. Parking Prohibited on Designated Streets. It is unlawful to park or leave standing any vehicle on any of the following designated streets between the hours of two a.m. and six a.m.:

First Street from Stafford Avenue to Montgomery Avenue;

All of the following avenues bounded by Second Street on the North and Railroad Street on the South:

- a. Billing Avenue;
- b. Oakes Avenue;
- c. Pennsylvania Avenue;
- d. Harris Avenue;
- e. Wright Avenue;
- f. Bullitt Avenue.

D. Seventy-two Hour Parking. No vehicle shall be parked in excess of seventy-two hours on any public street or avenue in the city from April 16th to November 14th, contrary to the regulations prescribed in this section.

E. Inoperable Vehicles. Vehicles shall be currently licensed and in operable condition other than for minor repairs that do not allow discharge of fluids onto the roadway or interfere with normal traffic flow. Disassembly of motor train, engine, and axle components is considered a major repair and not permitted on public right-of-way. All other provisions of the city's parking code shall remain in full force and effect. (Ord. 1081 § 1, 1999; Ord. 1008, 1994; Ord. 823 § 6, 1984; Ord. 657 § 1, 1971)

#### **10.12.070 Winter parking—Exceptions.**

No vehicle shall be parked on any public street or avenue continuously in one location for more than twenty-four hours in the city from November

15th to April 15th, being the winter months, contrary to the regulations prescribed in Section 10.12.060. The parking regulation shall not apply to vehicles parked off the street or avenue, in private driveways or on private property, where they do not interfere with the plowing or removal of snow. (Ord. 1062 § 1, 1997; Ord. 823 § 7, 1984; Ord. 657 § 2, 1971)

#### **10.12.080 Penalties for violations.**

Any person convicted of violating the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars. (Ord. 823 § 8, 1984; Ord. 657 § 4, 1971)

#### **10.12.090 Towing and impounding of vehicles.**

In addition to such penalties as provided in Section 10.12.080, the police department is empowered to remove and impound any vehicle in violation and such vehicle shall be towed from the street or avenue or alley, and impounded until the owner or person in charge of the vehicle pays to the tow-operator the towing charges plus all accumulated storage charges for the vehicle. All towing and storage of the vehicle shall be by licensed, commercial tow truck operators, and all such tow truck operators shall be licensed and bonded as required by the laws of the state. (Ord. 823 § 9, 1984; Ord. 657 § 3, 1971)

## **Chapter 10.16**

### **LOADING AND UNLOADING ZONES**

#### **Sections:**

#### **10.16.020 Elumwood Apartments.**

#### **10.16.020 Elumwood Apartments.**

There is established in front of the main entrance of the Elumwood Apartments located on the south side of East Second Street between Harris and Wright Avenues, a restricted loading and unloading zone in which no parking will be allowed except for emergency or loading or unloading purposes specified in this chapter. The zone shall be sixteen feet in length and no parking shall be allowed therein, except that vehicles may stop at the curb of the zone for the limited purposes only of emergency uses such as for medical purposes or fire; or for loading and unloading purposes only with a maximum of fifteen minutes use for loading or unloading at any one time. The curb shall be painted yellow in the zone, by the Elumwood Apartments operator, and signs shall be erected by the Elumwood Apartments spelling out the restricted zone purposes and conditions. (Ord. 699 § 1, 1975)



## Chapter 10.20

### SNOWMOBILES

#### Sections:

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

#### **10.20.010 Adoption of Snowmobile Act.**

Chapter 29 of the Washington Laws, 1971 First Extraordinary Session, codified at RCW Chapter 46.10, is adopted by reference. Three copies thereof are on file with the city clerk and shall be kept available there for inspection. (Ord. 655 § 1, 1971)

#### **10.20.020 Muffler required.**

Each snowmobile must have a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke; and no person shall use a muffler cutout, bypass or similar device. (Ord. 655 § 2(1), 1971)

#### **10.20.030 Snowmobiles on sidewalk prohibited.**

It is unlawful to drive, operate or park a snowmobile on any sidewalk in the city. (Ord. 655 § 2(2), 1971)

#### **10.20.040 Streets designated as snowmobile trails.**

In order to facilitate access between the city and outlying unincorporated areas surrounding the city, Railroad Street is designated as a snowmobile trail. For uses other than ingress or egress to and from the city, the operation of snowmobiles is permitted on that portion of the Railroad Street right-of-way lying

south on the Railroad Street median between Owens Road and South Cle Elum Way where these vehicles may be operated only in single file. The operation of snowmobiles upon this designated trail area is for the purpose of ingress and egress to the city and additional purposes, including recreational purposes, parking of snowmobiles, shopping, engaging in commerce, and other retail customer activities. Other than this designated street, operation of snowmobiles in the city shall be permitted only for the purpose of transit shall be permitted only for the purpose of transit (ingress and egress) from the place of residence or the place of storage of snowmobiles inside or outside of the city. (Ord. 1084, 1999: Ord. 655 § 2(3), 1971)

#### **10.20.050 Rules and regulations.**

Except as modified by this chapter, all motor vehicle rules and regulations adopted by the city shall, unless clearly inapplicable, apply to snowmobiles. (Ord. 655 § 2(4), 1971)

#### **10.20.060 Right-of-way.**

In use of the streets, motor vehicles and pedestrians shall have the right-of-way with respect to snowmobiles. (Ord. 655 § 2(5), 1971)

#### **10.20.070 Operator license required.**

No person under the age of sixteen years shall operate a snowmobile in Cle Elum. No person shall operate a snowmobile in Cle Elum without possessing a valid motor vehicle operator's license. (Ord. 655 § 2(6), 1971)

#### **10.20.080 Speed limit.**

The maximum speed limit for snowmobiles in the city shall be twenty miles per hour, except that between the hours of ten p.m. and eight a.m. the maximum speed limit shall be ten miles per hour. (Ord. 655 § 2(7), 1971)

#### **10.20.090 Violation—Penalty.**

Any person convicted of violating any of the provisions of this chapter shall, for each violation, be fined in any sum not exceeding two hundred fifty

dollars or imprisoned in the city or county jail for not more than ninety days, or both so fined and imprisoned. (Ord. 655 § 3, 1971)

## Chapter 10.24

### VEHICLE EQUIPMENT

#### Sections:

- 10.24.010     Safety belts—Required.**
- 10.24.020     Compression brakes—Prohibited.**

#### **10.24.010     Safety belts—Required.**

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

B. Penalty. Any person who is convicted of violating or failing to comply with any of the provisions of this section shall be punished as set forth in Section 1.16.010. (Ord. 862 §§ 1, 2, 1987)

#### **10.24.020     Compression brakes—Prohibited.**

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

B. The use of any engine compression brake within the city is prohibited. (Ord. 867 §§ 1, 2, 1987)

## Chapter 10.28

### MOTORIZED FOOT SCOOTERS

#### Sections:

<b>10.28.010</b>	<b>Definitions—Exemption.</b>
<b>10.28.020</b>	<b>Operation of motorized foot scooters.</b>
<b>10.28.030</b>	<b>Helmets required—Nighttime operation prohibited.</b>
<b>10.28.040</b>	<b>Noise restrictions—Mufflers.</b>
<b>10.28.050</b>	<b>Violation—Penalty.</b>
<b>10.28.060</b>	<b>General duty.</b>
<b>10.28.070</b>	<b>Savings.</b>
<b>10.28.080</b>	<b>Severability.</b>
<b>10.28.090</b>	<b>Corrections.</b>

#### **10.28.010 Definitions—Exemption.**

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

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

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

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

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

“Wheeled recreational device” means any wheeled recreational object designed to propel the person using that object with an internal combustion or electric motor, whether it be stood or sat upon or ridden in, and that is not required to obtain and display a Washington

State vehicle license (RCW 46.16). For purposes of this chapter, “wheeled recreational device” does not include motorcycles (RCW 46.04.330), motor driven cycles (RCW 46.04.332), mopeds (RCW 46.04.304), electric assisted bicycles (RCW 46.04.169) electric personal mobility devices (RCW 46.04.1695), or power wheelchairs (RCW 46.04.415).

The regulations of this chapter shall not apply to any vehicle used by a disabled person as defined by RCW 46.16.381. (Ord. 1227 § 1 (part), 2005)

#### **10.28.020 Operation of motorized foot scooters.**

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

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

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

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

1. To operate in a negligent manner means the operation of a motorized foot scooter or other wheeled recreational device in such a manner as to

endanger or be likely to endanger any person or property.

2. Operation of a motorized foot scooter in excess of fifteen miles per hour shall be prima facie evidence of operation in a negligent manner. (Ord. 1227 § 1 (part), 2005)

#### **10.28.030 Helmets required—Nighttime operation prohibited.**

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

B. Motorized foot scooters and other wheeled recreational devices may not be operated at any time from sunset to sunrise. (Ord. 1227 § 1 (part), 2005)

#### **10.28.040 Noise restrictions—Mufflers.**

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

B. It is unlawful to sell or operate a motorized foot scooter that is powered by an internal combustion engine that is not equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise. (Ord. 1227 § 1 (part), 2005)

#### **10.28.050 Violation—Penalty.**

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

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

1. The officer may take custody of the device. If the officer does not impound the device, he or she may release it only to an adult.

2. The officer must provide the violator with a written notice setting forth the procedure for reclaiming the device.

3. The procedure for reclaiming the device shall be promulgated by the chief of police.

4. Only the parent or legal guardian of a violator or an adult owner can reclaim a motorized foot scooter or other wheeled recreational device impounded pursuant to this section.

5. A fifty-dollar fee for costs of impound and administrative processing shall be paid to the city clerk prior to the release of any property impounded under this alternative penalty.

6. Any unclaimed devices may be disposed of in accordance with state law.

C. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any provision of this chapter. (Ord. 1227 § 1 (part), 2005)

#### **10.28.060 General duty.**

It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter. It is the specific intent of the ordinance codified in this chapter that no provision nor any term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers or employees. Nothing contained in the ordinance codified in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of the ordinance codified in this chapter by its officers, employees or agents. (Ord. 1227 § 1 (part), 2005)

#### **10.28.070 Savings.**

The enactment of the ordinance codified in this chapter shall not affect any case, proceeding, appeal or other matter currently pending in any court or before the city or in any way modify any obligation,

right or liability, civil or criminal, which may exist by virtue of any of the ordinances herein amended. (Ord. 1227 § 1 (part), 2005)

#### **10.28.080 Severability.**

If any section, subsection, sentence, clause, phrase or word of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this chapter. (Ord. 1227 § 1 (part), 2005)

#### **10.28.090 Corrections.**

The city clerk and the codifiers of the ordinance codified in this chapter are authorized to make necessary corrections to this chapter including the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto. (Ord. 1227 § 1 (part), 2005)

## **Chapter 10.32**

### **BICYCLES AND OTHER RECREATIONAL WHEELS**

#### **Sections:**

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

#### **10.32.010 Recreational wheels—Defined.**

For the purpose of this chapter, the term "recreational wheels" means any nonmotorized, but wheeled, operator-propelled equipment which transports the operator on land, except wheelchairs. Recreational wheels shall include, but not be limited to, skates, in-line skates, skateboards, bicycles, tricycles, unicycles, quad cycles and scooters. (Ord. 1252 (part), 2006)

#### **10.32.020 Business district—Bicycles and recreational wheels prohibited.**

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

tain signs, at those locations affected by this chapter, notifying the public of the prohibitions contained herein. (Ord. 1252 (part), 2006)

#### **10.32.030 Parental responsibility.**

A parent who has custody of any child under the age of eighteen years and the guardian of any ward under the age of eighteen years shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this section. (Ord. 1252 (part), 2006)

#### **10.32.040 Impounding bicycles and other recreational wheels.**

The chief of police or his designee is authorized and empowered to administer the provisions of this chapter. The chief of police or his designee is authorized and empowered to impound for a period not to exceed twenty-four hours the bicycle or other recreational wheels used by any minor child under sixteen years of age in violating any of the provisions of this chapter or any of the ordinances of the city of Cle Elum relating to street traffic, insofar as they are applicable. Any impound by the chief of police or his designee shall be for the limited purpose of placing the minor child's bicycle or other recreational wheels in the possession of the child's parent or legal guardian. Upon impound, the chief of police or his designee shall contact the parent or legal guardian and advise him/her of the impound and the location where the bicycle or recreational wheels may be obtained. (Ord. 1252 (part), 2006)

#### **10.32.050 Penalties.**

Violation of any provision of this chapter shall be a civil infraction with a penalty of fifty dollars upon a finding that the violation has been committed. (Ord. 1252 (part), 2006)

**Title 11**

**(Reserved)**





## **Title 12**

### **STREETS, SIDEWALKS AND PUBLIC PLACES**

#### **Chapters:**

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



## Chapter 12.01

EXCAVATIONS IN STREETS, SIDEWALKS  
AND PUBLIC WAYS

## Sections:

12.01.010	Permits required.
12.01.020	Permit application requirements—Fee.
12.01.030	Length of permit validity.
12.01.040	Notification of utility superintendent.
12.01.050	Standard utility locations.
12.01.060	Safety standards.
12.01.070	Traffic control.
12.01.080	Construction methods and restrictions.
12.01.090	Standards for restoration of surfaces.
12.01.100	Cleanup.
12.01.110	Nonperformance by applicant—City to perform work when—Costs.
12.01.120	Inspection.
12.01.130	Violation—Penalties.
12.01.140	Indemnification.

**12.01.010 Permits required.**

It is unlawful for any person, firm or corporation to make any excavation in a public right-of-way without first having obtained a permit from the city. All parties shall apply for a permit from the city clerk to work within the public right-of-way at least seven working days prior to commencement of work, unless otherwise approved by the superintendent. (Ord. 957 (part), 1992)

**12.01.020 Permit application requirements—Fee.**

A. When applying for a street excavation permit, the applicant shall provide the following:

1. A detailed sketch showing proposed work in relation to the public right-of-way, other existing utilities and street improvements;

2. A certificate of liability insurance naming city as an additional insured with minimum limits of liability stated in the most recent edition of Standard Specifications for Municipal Public Works Construction, published by the Washington chapter of the American Public Works Association (APWA); provided, however, that a self-insured public utility may submit a letter of responsibility in lieu of a certificate of liability insurance. Such letter of responsibility shall be approved as to form by the city attorney prior to acceptance by the city;

3. A statement regarding coordination with other utilities as to location of work so as not to interfere with those utilities.

B. No opening shall be made until all necessary fittings and materials are available and on hand to complete all work.

C. Franchised utilities shall utilize the standard locations for their facilities where practicable.

D. An administrative fee of twenty (\$20.00) dollars shall be charged for the review and issuance of each permit. (Ord. 957 (part), 1992)

**12.01.030 Length of permit validity.**

Such permit shall be valid for a time period not to exceed one hundred twenty days from date of issuance; provided, however, that a public utility may request one extension of time not to exceed sixty days in duration. Such request shall be written and received by the city at least seven days prior to the expiration date of the original permit. (Ord. 957 (part), 1992)

**12.01.040 Notification of utility superintendent.**

The applicant shall notify the utility superintendent and city clerk at least forty-eight hours prior to starting work. (Ord. 957 (part), 1992)

**12.01.050 Standard utility locations.**

A. Standard minimum depth requirements for underground utility service:

1. Electricity, thirty-six inches;
2. Telephone, thirty inches;
3. Natural gas, thirty inches.

B. Any deviation from these standards must have written approval from the city engineer. (Ord. 957 (part), 1992)

#### **12.01.060 Safety standards.**

The applicant is responsible for complying with all applicable local, state and federal health and safety codes, standards, regulations and/or accepted industry standards. It is the responsibility of the applicant to insure that his work force and the public are guarded against any hazards arising from activities of the applicant or its agents. (Ord. 957 (part), 1992)

#### **12.01.070 Traffic control.**

A. The applicant shall furnish, place and maintain all required traffic-control devices (both vehicular and pedestrian) as per the most recent edition of the Manual on Uniform Traffic Control Devices, published by the Federal Highway Administration (FHWA).

B. Any traffic restriction shall be approved by city officials. (Ord. 957 (part), 1992)

#### **12.01.080 Construction methods and restrictions.**

A. The applicant shall not interfere with or obstruct the drainage of the city's underground fixtures for the conveyance of water or sewage, or the city's streets, lanes, alleys and highways, or other public places.

B. No facilities shall be installed within five feet to any water main or other pipe or conduit or other utility without prior approval of the city engineer. This separation distance is for parallel facilities and not facility crossings.

C. The applicant, to the extent practicable, shall backfill all open trenches at the conclusion of each day's work.

D. Whenever practical, applicant shall jack, bore or auger lines under streets when a street crossing is required. Otherwise streets must be cut. (Ord. 957 (part), 1992)

#### **12.01.090 Standards for restoration of surfaces.**

A. The applicant shall, with reasonable promptness and no later than twenty days after the work is finished, restore the surface of such streets, avenues, lanes, highways and public places.

B. The applicant shall satisfactorily restore all areas disturbed by construction activities to an equal or better condition than existed prior to construction. The following shall be considered the minimum acceptable depths of surfacing materials to be replaced dependent upon existing surfacing type:

1. Asphalt concrete pavement and/or bituminous surface treatment surfacing:

a. Three inches compacted depth asphalt concrete pavement, Class G, placed in two lifts;

b. Three inches compacted depth crushed surfacing top course ( $\frac{3}{8}$ "-0);

c. Eight inches compacted depth ballast ( $2\frac{1}{2}$ "-0).

2. Cement concrete sidewalk:

a. Four inches thickness in pedestrian areas, three thousand psi twenty-eight-day minimum compressive strength cement concrete;

b. Six inches thickness in vehicle areas, three thousand psi twenty-eight-day minimum compressive strength cement concrete;

c. Two inches compacted depth crushed surfacing top course ( $\frac{3}{8}$ "-0) under all cement concrete areas;

d. Refer to city sidewalk specifications.

3. Gravel Street:

a. Three inches compacted depth crushed surfacing top course ( $\frac{3}{8}$ "-0);

b. Nine inches compacted depth ballast ( $2\frac{1}{2}$ "-0);

c. Replace all ballast if mud or clay.

4. Gravel street shoulder:

a. Four inches compacted depth crushed surfacing top course ( $\frac{3}{8}$ "-0).

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

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

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

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

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

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

I. A cash deposit or bond in an amount to be determined by the city engineer may be required prior to commencing work in order to guarantee materials and workmanship; provided, however, that self-insured public utilities shall be excluded from this requirement provided they have complied with Section 12.01.020(B) of this chapter.

J. All restoration materials and workmanship must be guaranteed for a one-year period following formal acceptance of same by the city. Any remedial work required during this guarantee period must be provided and performed by the applicant upon demand by the city. (Ord. 957 (part), 1992)

#### **12.01.100 Clean-up.**

The applicant is to restore all areas worked to equal or better condition than found within twenty days of completing the installation, weather permitting. Any extension of time shall be approved in writing by the city. (Ord. 957 (part), 1992)

#### **12.01.110 Nonperformance by applicant— City to perform work when— Costs.**

The city may, upon twenty days' written notice to the applicant, at any time do, or order to have done, any and all work that it considers necessary to restore any area left in an unsatisfactory condition or in a condition, in the opinion of the city, dangerous to life or property; and the applicant, upon

demand, shall pay to the city all costs of such work plus ten percent. (Ord. 957 (part), 1992)

#### **12.01.120 Inspection.**

The applicant shall pay, upon completion of the project and inspection by the appropriate city official, an inspection fee covering the actual cost of said inspection. A statement of costs shall be rendered to the applicant at the completion of the project (minimum of one hour). (Ord. 957 (part), 1992)

#### **12.01.130 Violations—Penalties.**

Any person, firm, or corporation violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed five thousand dollars. (Ord. 957 (part), 1992)

#### **12.01.140 Indemnification.**

The applicant shall fully indemnify and hold the city harmless from any and all liability which might arise as a result of the actions of the applicant, its agents, servants or employees. The city shall notify the applicant promptly of any action filed against the city. (Ord. 957 (part), 1992)

## Chapter 12.02

### TELECOMMUNICATIONS—CABLE, RIGHT-OF-WAY PERMITS

#### Sections:

12.02.010	Definitions.
12.02.020	Objectives.
12.02.030	Permission required—General permit, use permit.
12.02.040	Master permit application—Contents.
12.02.050	Permit procedures.
12.02.060	Use permit—Expedited consideration.
12.02.070	Use permit—Advance notice, restrictions on denials.
12.02.080	Conditions of occupancy or use of the right-of-way.
12.02.090	Exemption, preemption.
12.02.100	State law provisions.
12.02.110	Restriction on moratoria.
12.02.120	Relocation.
12.02.130	Facilities for city use.
12.02.140	Fees and charges.
12.02.150	Authority of administering officer.
12.02.160	Appeals.
12.02.170	Users, occupants other than service providers.

#### 12.02.010 Definitions.

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

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

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

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

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

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

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

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

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

“Personal wireless services” means commercial mobile services, unlicensed wireless services, and

common carrier wireless exchange access services, as defined by federal laws and regulations.

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

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

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

"Telecommunications service" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purpose of this subsection, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this chapter, telecommunications service excludes the over-the-air transmission of broadcast television or broadcast radio signals. (Ord. 1133 § 1 (part), 2001)

#### 12.02.020 Objectives.

- A. The objectives of this chapter are:

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

B. The first two objectives are of primary importance. The objectives govern questions of interpretation and enforcement. Notwithstanding any other provision, nothing done relating to this chapter is intended to create or expand any specific municipal duty or liability to any particular person or group or otherwise create or expand municipal tort liability for any purpose. This section shall control all others in the event of conflict or ambiguity. (Ord. 1133 § 1 (part), 2001)

#### 12.02.030 Permission required—General permit, use permit.

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

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

cable franchise has been granted under federal or other law.

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

D. In addition to a master permit, a service provider must obtain permission to enter and use a specified right-of-way area to install, maintain, repair or remove identified facilities by means of a use permit. Utilities or agencies of the city are exempt from master permit or use permit requirements, but the administering officer may specify conditions of right-of-way use or occupancy, including the condition that city departments coordinate work in the right-of-way by giving appropriate notice to the municipal office issuing use permits. (Ord. 1133 § 1 (part), 2001)

#### **12.02.040 Master permit application— Contents.**

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

1. Applicant's true name, address, telephone, fax, and email, together with an identification of the true ownership of the applicant, including the names and addresses of all persons with ten percent or more ownership interest therein. For a corporation or other business organization, the state of incorporation or organization, the name and address of the corporation or organization's registered agent, and

a certificate of incorporation or other proof of legal status should be included;

2. A statement of whether the applicant, or any entity controlling the applicant, has voluntarily filed for relief under any provision of the bankruptcy laws of the United States Title 11 of the United States Code, had an involuntary petition against it pursuant to the Bankruptcy Code, or been the subject of any state law insolvency proceeding such as a transfer for the benefit of creditors;

3. A statement of whether the applicant or any entity controlling the applicant has had a master permit, franchise, or similar right-of-way use or occupancy permission ever suspended or revoked in any other jurisdiction;

4. A statement of whether the applicant or any entity controlling the applicant has been found guilty, by any federal, state or municipal court or administrative agency in the United States of:

- a. A violation of a security, antitrust or tax laws, or

- b. A felony or any other crime involving fraud or theft. If so, the application shall identify any such person and fully explain the circumstances;

5. A demonstration of the applicant's technical, legal and financial ability to construct and operate the proposed telecommunications services facility;

6. A description of the physical facility proposed, including capacity, the area to be served, a description of technical characteristics, and a map of the proposed system service area and distribution scheme;

7. A description of how any construction will be implemented, identification of areas having above-ground or belowground facilities, the proposed construction schedule, and a description (if applicable) of how service will be converted from any existing facility to a new facility. The construction plan shall be coordinated with the city water, sewer, street, and other improvement plans and municipal infrastructure needs;

8. A description of the services to be provided over the system;

9. The proposed rates to be charged, including rates for each service offered to the public, as ap-



appropriate, and charges for installation, equipment, and other services, and whether such rates are subject to regulatory tariff or other rate regulation requirements from any other jurisdictional agency;

10. A demonstration and assurance that the proposal is designed to be consistent with all federal and state requirements;

11. In the case of an application by an existing service provider for a renewal, a demonstration and assurance that such service provider has complied with all terms of the existing master permit or franchise and with applicable law;

12. Other information that the administering officer may reasonably request of the applicant;

13. The signature, under penalty of perjury, by the applicant or duly authorized agent thereof, certifying, in a form acceptable to the city, the truth and accuracy of the information contained in the application and acknowledging the enforceability of this chapter; and

14. Payment of a two thousand dollar application fee.

B. Requests for confidentiality will be narrowly construed within the confines of state law. (Ord. 1133 § 1 (part), 2001)

#### **12.02.050 Permit procedures.**

##### **A. Master Permits.**

1. Upon receipt of an application and application fee, the administering officer shall notify the applicant of any additional administrative costs, fees or expenses reasonably expected to be incurred as a result of processing the application, including costs of publication as may be required by state or local law. An applicant must deposit such estimated costs within ten days of notification as a condition of further consideration of an application. Any unexpended monies after the application process shall be refunded within thirty days of completion of the application process. Additional costs billed by the administering officer shall be paid within thirty days of billing. If an applicant fails to file a completed application, furnish other requested information, or pay required amounts, the administering officer shall

cancel the application process, and no refund of the application fee will be made.

2. Within ninety days of the filing of a complete application, the administering officer shall negotiate a master permit with the applicant or make the determination that it should be denied. If the parties cannot agree on the terms of the master permit or the administering officer determines it should otherwise be denied, such official shall create a written record, supported by substantial evidence, to explain the reasons why the master permit is recommended for denial. If the administering officer approves the application, the master permit shall be forwarded for final approval by the city council. The city council shall take final action on the recommendation of the administering officer within one hundred twenty days of the date the applicant filed a complete application.

3. The administering officer may require the service provider to attend and participate in any hearing or other fact finding process to determine whether to grant the permit, provided, that extensions of time for the hearing and final action by the city beyond one hundred twenty days of the date the applicant filed a complete application may require the applicant's consent unless legislative approval of the city council cannot reasonably be obtained within such period. In such event, the administering officer shall notify the applicant of the time needed to obtain final action.

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

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

may require a deposit of funds by the appealing party in an amount estimated necessary to prepare the record as a condition of certifying the record.

**B. Use Permits.**

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

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

a. A demonstration of the applicant's technical, legal and financial ability to construct and operate the proposed telecommunications services facility;

b. A description of the physical facility proposed, including capacity, the area to be served, a description of technical characteristics, and a map of the proposed system service area and distribution scheme;

c. A description of how any construction will be implemented, identification of areas having above-ground or belowground facilities, the proposed construction schedule, and a description (if applicable) of how service will be converted from any existing facility to a new facility. The construction plan shall be coordinated with the city water, sewer, street, and other improvement plans and municipal infrastructure needs.

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

4. A service provider adversely affected by a final action denying a use permit may commence an action within thirty days in a court of competent jurisdiction to seek relief, which shall be limited to

injunctive relief. In any appeal of the final action denying a use permit, the standard for review and burden of proof shall be as set forth in RCW 36.70C.130.

C. In addition to any other applicable reasons, a master or use permit for placement of facilities of personal wireless services may further be denied consistent with the provisions of RCW 35.21.860(1)(e). (Ord. 1133 § 1 (part), 2001)

**12.02.060 Use permit—Expedited consideration.**

Where a service provider does not have a master permit containing procedures to expedite use permit approvals and the service provider requires action in fewer than thirty days, the service provider shall advise the administering official in writing of the reasons why a shortened time period is necessary and the time period within which action by the city is requested. The city shall reasonably cooperate to meet the request where practicable. (Ord. 1133 § 1 (part), 2001)

**12.02.070 Use permit—Advance notice, restrictions on denials.**

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

B. Service providers are responsible for subscribing to the Upper Kittitas County Tribune at their expense and are further responsible for contacting City Hall for notices relating to this chapter. Service providers are further responsible to maintain on file with the administering officer, the name of a current

contact person and that individual's address, telephone number, fax number and email address.

C. The city is not liable for damages for failure to provide notice under this section. Where the city has failed to provide notice of plans to open the right-of-way to a service provider consistent with this section, a use permit to such service provider may not be denied on the basis that the service provider failed to coordinate with another project. (Ord. 1133 § 1 (part), 2001)

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

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

A. Service providers must comply with all applicable federal, state, and local laws and ordinances relating to operations in the city, including safety laws and standards, as well as policies and standards of the city, construction codes, regulations, and orders of the administering officer, compliance therewith being subject to audit or verification by the city at the parties' expense;

B. Service providers must obtain all permits required by the city for the installation, maintenance, repair, or removal of facilities in the right-of-way and pay all permit and filing fees, costs, charges and penalties within thirty days of billing or as otherwise specified by the administering officer;

C. Compliance with the policies of this chapter;

D. Service providers must cooperate with the city in ensuring that facilities are installed, maintained, repaired, and removed within the right-of-way in such a manner and at such points so as not to inconvenience the public use of the right-of-way or to adversely affect the public health, safety, and welfare;

E. Service providers must provide information and plans as reasonably necessary to enable the city to comply with and enforce this chapter, including, when notified by the city directly, through the Upper Kittitas County Tribune or any other means, the provision of advance planning information pursuant to the procedures established by the administering officer, and keep the administering officer fully informed of any changes to information required to be supplied with any master permit or franchise or any use permit;

F. Service providers must provide advance notice of long- and short-range needs for access to the right-of-way as may be ordered by the administering officer, and otherwise, as much advance notice as reasonable in order to facilitate the scheduling and coordination of work in the right-of-way;

G. Service providers must obtain the written approval of the facility or structure owner, if the service provider does not own it, prior to attaching to or otherwise using a facility or structure in the right-of-way, and construct, install, operate, and maintain their facilities at their sole expense and liability except as otherwise provided by law or agreement;

H. Execution of an indemnification agreement providing that the city must not be exposed to risks, claims, or costs because of a service provider, its successor, assignee or other's use or occupancy of the right-of-way or related areas for the location or use of facilities. Such agreement must provide that the service providers fully indemnify and hold the city, its officers, agents and employees, harmless from all loss or liability in connection with their use or occupancy of such areas. Operations in or near the right-of-way should be conducted to minimize or avoid hazard to the public or to prevent interference with the priority of municipal infrastructure needs. Such parties must further pay for loss or damage to municipal assets or injury to municipal personnel, and waive any second party claims from the user or occupant. If the city nonetheless is exposed to risk or loss, the service provider, successor, assigned or other will protect and defend the city to the maximum extent permitted by law. Minimum

insurance requirements are five hundred thousand dollars per occurrence and one million dollars aggregate, with the city as an additional named insured, or as ordered by the administering officer.

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

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

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

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

standards, and requirements. Nothing in this chapter impairs any obligation of contract in violation of the constitution of the state of Washington or the United States.

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

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

O. Any assignment of use or occupancy privileges requires consent of the city in the same manner as right of use or occupancy originally granted, excepting minor stock transfers. (Ord. 1133 § 1 (part), 2001)

#### **12.02.090 Exemption, preemption.**

Any service provider or other party asserting a claim for preemption or exemption from a requirement of this chapter, permit, franchise, or order shall first present the same to the administering officer, with any supporting factual and/or legal arguments. The administering officer shall render a decision thereon within thirty days of receipt of written assertion of preemption or exemption. Such decision shall be made in consultation with the city's legal staff, and appealable to the full council for review

de novo. The intent of this provision is to provide a quick and efficient means of understanding and resolving problems arising with respect to any permit or use or occupancy of the right-of-way, consistent with the objectives of this chapter and other applicable laws. (Ord. 1133 § 1 (part), 2001)

#### **12.02.100 State law provisions.**

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

1. Impose requirements that regulate the services or business operations of the service provider, except where otherwise authorized in state or federal law;

2. Conflict with federal or state laws, rules, or regulations that specifically apply to the design, construction, and operation of facilities or with federal or state worker safety or public safety laws, rules, or regulations;

3. Regulate the services provided based upon the content or kind of signals that are carried or are capable of being carried over the facilities, except where otherwise authorized in state or federal law; or

4. Unreasonably deny the use of the of right-of-way by a service provider for installing maintaining, repairing, or removing facilities for telecommunications services or cable television services.

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

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

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

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

C. This section does not amend, limit, repeal, or otherwise modify the authority of the city to regulate cable television services pursuant to federal law. (Ord. 1133 § 1 (part), 2001)

#### **12.02.110 Restriction on moratoria.**

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

B. Should such a moratorium be implemented, the administering officer shall, on receipt of a written request of a service provider impacted by the moratorium, participate with the service provider in the informal dispute resolution process included with the guidelines for facilities siting implementation. Any costs of municipal participation shall be payable to the city in advance by the service provider. (Ord. 1133 § 1 (part), 2001)

#### **12.02.120 Relocation.**

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

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

private development activities, are reimbursed exclusively by the proponent of the private activity necessitating the relocation.

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

D. Service providers shall complete the relocation by the date specified, unless the administering officer, or a reviewing court, establishes a later date for completion, after a showing by the service provider that the relocation cannot be completed by the date specified using best efforts and meeting safety and service requirements.

E. Service providers may not seek reimbursement for their relocation expenses from the city requesting relocation under subsection A of this section except:

1. Where the service provider had paid for the relocation cost of the same facilities at the request of the city within the past five years, the service provider's share of the cost of relocation will be paid by the city when it is requesting the relocation;

2. Where aerial to underground relocation of authorized facilities is required by the city under subsection A of this section, for service providers with an ownership share of the aerial supporting structures, the additional incremental cost of underground compared to aerial relocation, or as provided for in the approved tariff if less, will be paid by the city requiring relocation; and

3. Where the city requests relocation under subsection A of this section solely for aesthetic purposes, unless otherwise agreed to by the parties.

F. Where a project in subsection A of this section is determined by the administering officer to be primarily for private benefit, the private party or parties shall reimburse the cost of relocation in the same proportion to their contribution to the costs of the project. Service providers will not be precluded from recovering their costs associated with relocation required under subsection A of this section, provided that the recovery is consistent with subsection C of this section and other applicable laws.

G. The administering officer may require the relocation of facilities at the service provider's expense in the event of an unforeseen emergency that creates an immediate threat to the public safety, health, or welfare. (Ord. 1133 § 1 (part), 2001)

#### **12.02.130 Facilities for city use.**

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

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

B. Except as otherwise agreed by the service provider and the city, the city agrees that the requested additional duct or conduit space and related access structures will not be used by the city to



provide telecommunications or cable television service for hire, sale, or resale to the general public.

C. The city shall not require that the additional duct or conduit space be connected to the access structures and vaults of the service provider.

D. The value of the additional duct or conduit requested by the city shall not be considered a public works construction contract.

E. This section shall not affect the provision of an institutional network by a cable television provider under federal law. (Ord. 1133 § 1 (part), 2001)

#### **12.02.140 Fees and charges.**

RCW 35.21.860 addresses limitations on the city's power to impose franchise or other fees on some service providers and other entities specified, including site-specific charges pursuant to agreements with a service provider of personal wireless services as provided therein, which state law is expressly incorporated in this chapter. (Ord. 1133 § 1 (part), 2001)

#### **12.02.150 Authority of administering officer.**

A. The administering officer interprets and enforces this chapter, and has authority to issue specific orders in specific cases or circumstances as may be deemed necessary. In such event, reasonable effort shall be made to notify affected parties. Specific orders may be issued on application of an affected service provider or providers.

B. Orders and decisions of the administering officer are guided by the intent of this chapter. Prior to issuance of an order, the administering officer may give such advance notice and opportunity for hearing as deemed proper, or may provide for a hearing upon request to review an order or specific application of a party arising after issuance. The officer may establish a filing fee not to exceed fifty dollars for consideration of any petition for action or determination by a regulated party or other person.

C. An administrative order may include provision for penalty of not more than five hundred dollars per violation. In case of a continuing violation,

each day may be specified to be an additional, and separate violation. No penalty for failure to comply with any administrative order may be assessed except after notice and opportunity for hearing for the affected party. Failure to pay a penalty is a breach of permit conditions and grounds for permit revocation by the administering officer after notice and opportunity for hearing for the permittee. (Ord. 1133 § 1 (part), 2001)

#### **12.02.160 Appeals.**

A. Any party aggrieved by an order or decision of the administering officer relating to this chapter may appeal the same by filing notice of appeal with the city council within thirty days of the date of mailing or transmittal to such party of such order or decision appealed from. Included with the notice of appeal must be a statement of reasons for the appeal and copies of any pertinent documents or information and proof of delivery in such time limit of such submittal to the administrative officer and city attorney. A filing fee of one hundred dollars must also be paid to the city clerk at the time of filing.

B. Upon receipt of a notice of appeal, where any penalty or charge is concerned, the administrative officer shall determine the amount of any accrued penalty or charge and notify the appealing party of such determination. The appealing party must post with the city clerk a bond, cash deposit or other suitable form of security as ordered by the administrative officer within ten days of notification as a condition of further prosecuting any appeal. If the appeal is sustained, the security shall be returned. If the appeal is denied, the security shall be applied to any accrued penalty or charge. No appeal shall stay the accrual of any continuing penalty except upon a showing the appeal has substantial merit and was taken in good faith, and not for purposes of delay.

C. The city council shall conduct a hearing on the appeal within thirty days of filing of the notice of appeal, and enter written findings, conclusions and decision thereafter within thirty days of the hearing. The city council's decision is final, subject to appeal in a court of competent jurisdiction by either party with a notice of appeal filed and served

within thirty days. If a city official is the responding party, a copy shall also be served on the city attorney within such time limit.

D. An order or decision of the administering officer shall be sustained by the city council or a reviewing court unless found to be arbitrary and capricious. Upon timely appeal to a reviewing court, the city clerk shall certify the record and deliver the same to the court where filed. The city clerk may require a deposit of funds by the appealing party in an amount estimated necessary to prepare the record as a condition of certifying the record. (Ord. 1133 § 1 (part), 2001)

#### **12.02.170 Users, occupants other than service providers.**

Ch. 35.99 Revised Code of Washington does not apply to parties other than service providers. Except where stated, the provisions of this chapter do not apply to parties other than service providers. Such other parties must, however, obtain a franchise or similar permission to enter and use the right-of-way to place facilities as may be negotiated by the administering officer, consistent with sections 12.02.020 and 12.02.080 of this code. (Ord. 1133 § 1 (part), 2001)

## **Chapter 12.04**

### **SIDEWALK CONSTRUCTION, REPAIR AND MAINTENANCE**

#### **Sections:**

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

#### **12.04.010 Statutes adopted.**

Chapter 177 of the Laws of 1949 of the state, together with amendments thereof or additions thereto, is adopted by this reference as RCW Chapter 35.68 of the city. (Ord. 448 § 1, 1953)

#### **12.04.020 Copies on file.**

Not less than three copies of the law adopted by reference have been filed in the office of the city treasurer for use and examination by the public, prior to the adoption thereof. (Ord. 488 § 2, 1953)

#### **12.04.030 Amendments.**

Amendments and additions to the adopted law, when printed or typed and filed with the city treasurer, shall be considered and accepted as amendments and additions to such law as adopted without the necessity of further adoption of such amendments or additions by this city. (Ord. 488 § 3, 1953)



**Chapter 12.08****OBSTRUCTIONS OR DEFECTS IN  
SIDEWALKS, PARKING STRIPS AND  
CURBS****Sections:**

- 12.08.010     Nuisance.**
- 12.08.020     Removal of nuisance by owner.**
- 12.08.030     Violation—Penalty.**

**12.08.010     Nuisance.**

Any snow, ice, slippery substance, hole, obstruction or defect in or upon any sidewalk, parking strip or curb open to the public in the city is declared to be a nuisance. It is unlawful hereafter for any owner, occupant or person, firm or corporation having charge of any premises or portion thereof abutting upon any portion of any sidewalk, parking strip and/or curb to allow such nuisance to remain in or upon such abutting portion of sidewalk, parking strip and/or curb for more than twenty-four hours continuously. It is the obligation and responsibility hereafter of any and all owners, occupants, and/or persons, firms or corporations having charge of any such abutting premises or portions thereof to keep all abutting portions of sidewalks, parking strips and curbs clear of such nuisances at all times. Any portion of sidewalks, parking strips and curbs lying between such premises and any public avenue, street or alley adjoining such premises shall for purposes of this chapter be included in the term "abutting portion." (Ord. 489 § 1, 1953)

**12.08.020     Removal of nuisance by owner.**

The removal of any such nuisance or nuisances by the city or any of its agents or employees at any time or times shall not excuse the failure of any owner, occupant or person, firm or corporation, hereinabove declared responsible, to remove any such nuisance or nuisances from such places at such time or times and at any subsequent time or times. (Ord. 489 § 2, 1953)



**12.08.030 Violation—Penalty.**

Any person, firm or corporation who violates or fails to comply with any of the provisions of this chapter for more than twenty-four consecutive hours shall upon conviction thereof be fined in any sum not to exceed one hundred dollars or imprisoned for a period of not more than thirty days or both fined and imprisoned as provided in this section. Each twenty-four-hour period during which any such nuisance is allowed or maintained in any of the places mentioned in Section 12.08.010 shall be considered a separate offense. (Ord. 489 § 3, 1953)

**Chapter 12.12****OBSTRUCTION OF STREET CROSSINGS****Sections:****12.12.010 Obstruction by trains.****12.12.020 Violation—Penalty.****12.12.010 Obstruction by trains.**

It is unlawful for any railway company running trains, cars or engines within the limits of the city to obstruct any public street crossing within the limit of the city for more than ten minutes at any one time. (Ord. 91 § 1, 1907)

**12.12.020 Violation—Penalty.**

Any violation of the foregoing provision of this chapter shall be deemed a misdemeanor and the person or persons operating or in charge of any train, car or engine which obstructs any public street crossing within the limits of the city for more than ten minutes at any time shall upon conviction of such violation be fined in any sum not less than twenty-five dollars nor more than one hundred dollars; provided, that in no case shall more than one fine be imposed for each offense. (Ord. 91 § 2, 1907)

**Chapter 12.14****SNOW AND ICE****Sections:**

- 12.14.010     Depositing snow and ice from parking lots, sidewalks, or any other private property.**
- 12.14.020     Violation—Penalty.**
- 12.14.030     Temporary restrictions and limitations.**
- 12.14.040     Notice.**
- 12.14.050     Penalties.**

**12.14.010     Depositing snow and ice from parking lots, sidewalks, or any other private property.**

No person, firm, company or corporation, nor the agent, representative or employee of any person, firm, company or corporation, shall plow or otherwise clear a parking lot, sidewalk, or any other private property of snow or ice and thereafter place, throw or deposit that snow or ice on any street, alley or sidewalk. Snow may be piled in paved parking right of way of a firm, company or corporation during snowfalls as long as it is removed within forty-eight hours of deposit. Snow and ice may also be piled by a firm, company or corporation on gravel parking right of ways only abutting its property as long as the snow or ice does not encroach on paved driving surfaces or create a sight-distance safety problem as will be determined by the city superintendent and/or police chief. Any firm, company or corporation may be asked at any time to remove some or all snow on public rights-of-way within a forty-eight-hour period or the city will remove such and bill the firm, company or corporation for the city's cost plus fifteen percent. (Ord. 1021 § 1 (part), 1995)

**12.14.020     Violation—Penalty.**

A violation of this section shall be a civil infraction pursuant to RCW Chapter 7.80.120(1) (a). The maximum penalty and the default amount for a Class 1 civil infraction is two hundred and fifty dollars, plus statutory assessments. A violator may also be required to pay restitution. (Ord. 1021 § 1 (part), 1995)

**12.14.030     Temporary restrictions and limitations.**

The city public works director or his or her appointed designee may prohibit the operation of trucks or vehicles or may impose limits as to the weight thereof, or any other restriction as may be deemed necessary, whenever any public right of way by reason of rain, snow, climatic or other conditions will be seriously damaged or destroyed unless the operation thereon is prohibited or restricted or the permissible weights thereof reduced; provided, that the public works director shall prohibit the use of any street in the city if the street is designated by the State Highway Commission as forming a part of any restrictions or reductions in permissible weights as designated in writing by the State Highway Commission.

Nothing contained in this chapter shall be construed to limit or reduce the authority of the city public works director or his or her appointed designee from closing any public right of way within the city's corporate boundaries due to emergencies. (Ord. 1146 § 1, 2001)

**12.14.040 Notice.**

The city public works director or his or her appointed designee shall have erected signs designating the provisions of § 12.14.030 CEMC, including local access restrictions, at each end of any city public right of way subject to the weight limits and restrictions established pursuant to this chapter, as amended from time to time. The city public works director shall also have published in one issue of a newspaper of general circulation within the city and to be posted at each end of any public right of way, the notice required by RCW 47.48.020 at least three days before such weight limits take effect. (Ord. 1146 § 2, 2001)

**12.14.050 Penalties.**

The general penalties provided for in RCW 46.44.105 as applicable and as hereafter amended are hereby incorporated by this reference, but not less than a one hundred fifty dollar fine shall apply to any violation of this chapter, and any person, firm, or corporation or association failing to comply with any of the provisions of CEMC 12.14.030 shall be guilty of a misdemeanor. (Ord. 1146 § 3, 2001)

**Chapter 12.16****REMOVAL OF TREES AND VEGETATION****Sections:**

- 12.16.010 Removal required.**
- 12.16.020 Removal.**
- 12.16.030 Notice.**
- 12.16.040 Removal by city.**
- 12.16.050 Notice of lien.**
- 12.16.060 Provisions supplemental.**

**12.16.010 Removal required.**

The owner of any property in the city is required to remove or destroy all trees, plants, shrubs or vegetation, or parts thereof, which overhang any sidewalk or street or which are growing thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public; and is further required to remove or destroy all grass, weeds, shrubs, bushes, trees or vegetation growing or which has grown and died upon property owned or occupied by him and which constitute a fire hazard or a menace to public health, safety or welfare. (Ord. 476 § 1, 1951)

**12.16.020 Removal.**

Proceedings for such removal or destruction shall be initiated by a resolution of the city council, adopted after not less than five days' notice to the owner of the property, which shall describe the property involved and the hazardous condition, and require the owner to make such removal or destruction within ten days after notice is given to the owner of the adoption of the resolution. (Ord. 476 § 2, 1951)

**12.16.030 Notice.**

Any notice required by this chapter may be given to the owner by service upon him of the notice in writing in the manner provided by the laws of the state for service of summons and complaint in legal actions; and any person who has the care, custody, control or management of any premises or building or who has control of the renting thereof or the



collection of rentals therefrom shall, for the purpose of this chapter, be deemed to be the agent of the owner of the premises, and the giving of all notices provided for to the agent shall be deemed due notice to the owner. If any such property or premises is vacant, then the notices may be given to the owner thereof by service as provided in this section, or by depositing in the United States post office the written notice in a sealed envelope with first class postage prepaid, addressed to the owner or his agent at the last known address of the owner or agent. (Ord. 476 § 3, 1951)

#### **12.16.040 Removal by city.**

If the removal or destruction is not made by the owner within the period of time provided therefor in the resolution after notice given as required by this chapter, the city shall forthwith cause the removal or destruction thereof, and in such event the cost to the city shall become a charge against the owner of the property, and shall become a lien against the property. (Ord. 476 § 4, 1951)

#### **12.16.050 Notice of lien.**

Notice of the lien authorized in this chapter shall as nearly as practicable be in substantially the same form, filed with the same officer within the same time and manner, and enforced and foreclosed as is provided by the law of the state for lien and labor and material. (Ord. 476 § 5, 1951)

#### **12.16.060 Provisions supplemental.**

The provisions of this chapter are supplemental and in addition to any other powers granted or held by the city on the same or a similar subject. (Ord. 476 § 6, 1951)

### **Chapter 12.20**

#### **GATES OPENING ACROSS SIDEWALKS**

##### **Sections:**

**12.20.010 Unlawful.**

**12.20.020 Violation—Penalty.**

##### **12.20.010 Unlawful.**

It is unlawful for any person to build or maintain any gate which shall swing or open out upon or across any sidewalk in the city. (Ord. 84 § 1, 1907)

##### **12.20.020 Violation—Penalty.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than five dollars nor more than twenty-five dollars and the police chief shall have authority to destroy any gate found opening or swinging out upon or across any sidewalk in the city. (Ord. 84 § 2, 1907)

**Chapter 12.24****UTILITY POLES****Sections:****12.24.010 Attaching things to utility poles.****12.24.010 Attaching things to utility poles.**

It is unlawful to attach to utility poles any of the following: advertising signs, posters, vending machines, or any similar object which presents a hazard to or endangers the lives of utility workers. Any attachment to utility poles shall only be made with the permission of the utility involved and shall be placed not less than twelve feet above the surface of the ground. (Ord. 853 § 1, 1986)

**Chapter 12.28****STREET TREES****Sections:**

**12.28.010 Purpose.**  
**12.28.020 Title.**  
**12.28.030 Enforcing authority.**  
**12.28.040 Definitions.**  
**12.28.050 Permission to plant trees.**  
**12.28.060 Street tree plan.**  
**12.28.070 Public utility and owners.**  
**12.28.080 Dangerous trees a nuisance.**  
**12.28.090 Protection of trees and shrubs.**  
**12.28.100 Permits to public utilities.**  
**12.28.110 Permits.**  
**12.28.120 Appeals.**  
**12.28.130 Penalties.**

**12.28.010 Purpose.**

It is for the best interest of the city, and of the citizens and public thereof that a comprehensive master plan for planting and maintenance of trees in public places within said city is adopted; therefore, for the purpose of developing and providing such a plan and program, and for the purpose of establishing rules and regulations relating to the planting, care and maintenance of such trees, this chapter is adopted. (Ord. 1023 § 1, 1995)

**12.28.020 Title.**

This chapter shall be hereafter referenced to and cited as the "Tree Ordinance of the City of Cle Elum, Washington." (Ord. 1023 § 2, 1995)

**12.28.030 Enforcing authority.**

A. The mayor and the city council, through the city superintendent or his duly authorized representative, shall have full power, authority, jurisdiction and control of the planting, location and placement of all trees in the public streets and areas of the city and shall likewise have supervision, direction and control of the care, trimming, removal, relocation and placement thereof and shall be charged with the enforcement of this chapter.



B. The mayor and city council may annually appoint the committee of not more than seven citizens to sit as members of the "tree committee." The tree committee shall provide the mayor and the city superintendent with advice and information as to the supervision, direction and control of the care, trimming, removal and relocation and placement of vegetation in the public streets and areas of the city. It is understood that the committee shall act in an advisory capacity only. (Ord. 1023 § 3, 1995)

#### **12.28.040 Definitions.**

"City superintendent" means the superintendent of utilities and streets of the city.

"Owner" means and includes the legal owner of real property fronting any highway, street of the city or park, and any leases of such owner.

"Park" means and includes all public parks having individual names.

"Persons" means and includes all firms, associations, corporations, and persons connected with such firms, association, and corporations.

"Public places" means and includes all other grounds owned by the city.

"Street" or "highway" means and includes all lands lying between the so-called property lines on either side of all public streets, roads, boulevards and alleys or parts thereof.

"Trees and shrubs" means and includes all woody vegetation now and hereafter growing on any public street or highway or public place. (Ord. 1023 § 4, 1995)

#### **12.28.050 Permission to plant trees.**

No trees or shrubs shall hereafter be placed in or removed from any street, public parking strip or other public place in the city without written permission from the city superintendent. (Ord. 1023 § 5, 1995)

#### **12.28.060 Street tree plan.**

All trees and shrubs hereafter planted in any public parking strip or other public place in the city shall conform as to species and location to the mas-

ter street tree plan which is adopted, attached and made a part of this chapter. (Ord. 1023 § 6, 1995)

#### **12.28.070 Public utility and owners.**

No person other than an owner or public utility may do any act for which a permit is required under Section 12.28.080 of this chapter except a person whose principal business is tree surgery, trimming or maintenance and who, in the opinion of the city superintendent, is qualified for such business or who has obtained a permit and paid required license fee to carry on such business in the city. (Ord. 1023 § 7, 1995)

#### **12.28.080 Dangerous trees a nuisance.**

Any tree growing on a public alley, street or highway, but so located as to extend its branches over a public alley, street or highway, shall be so trimmed by the owner of the property on which the tree stands, or by his agents, that there shall be a clear height of twelve feet above the surface of the street, alley or highway and eight feet above the surface of the sidewalks unobstructed by branches, and such owner or his agents shall remove all dead branches and stubs of such tree or trees which are or may become a menace to travelers on the public highways, streets, alleys or sidewalks of the city. Trees whose roots are causing upraised sidewalk slabs or are similarly causing trouble are declared a nuisance.

If a tree or its parts in any other way cause a hindrance to the general public or if it is considered "troublesome," or in any way may endanger the security and usefulness of any public street, highway, alley, sewer or sidewalk, as determined by the city superintendent, it is declared to be a public nuisance. If the owner of such private property does not correct or remove such nuisances within a reasonable time specified in writing by the city superintendent, he shall cause the nuisance to be corrected or removed and the cost shall be assessed to such owner. (Ord. 1023 § 8, 1995)

**12.28.090 Protection of trees and shrubs.**

Except to abate a nuisance as defined herein, it shall be a violation of this chapter to:

A. Fasten any sign, card, poster, wire, rope or other material to or around or through any public tree or shrub, or its guard, in the city without a written permit of the city superintendent except in emergencies such as storms or accidents;

B. Deposit, place, store or maintain upon any public area of the city, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree or shrub growing therein;

C. Break, injure, mutilate, kill or destroy any tree or shrub, or permit any fire to burn where such fire will injure any portion of any tree or shrub in any public area; no person shall permit any toxic chemical to seep, drain or be emptied on or about any public tree or shrub; no person shall knowingly permit electric wires to come in contact with any public trees or shrubs unless protected by approved methods; and no person shall attach any electrical insulation to any public tree or shall excavate any ditches, tunnels or trenches, or lay any drive within a radius of ten feet from any public tree or shrub without first obtaining permission from the city superintendent. During building operations the builder shall erect suitable protective barriers around public trees or shrubs apt to be injured. (Ord. 1023 § 9, 1995)

**12.28.100 Permits to public utilities.**

Upon application to the city superintendent by a telephone, telegraph, electric power or public service corporation or utility, to trim trees, or perform other operations affecting public trees or shrubs including the activities otherwise prescribed in Section 12.28.090 of this chapter, or upon application of qualified contractors who have entered into contracts with a telephone, telegraph, electric power or other public service corporation or utility to trim trees or perform other operations affecting public trees or shrubs, the city superintendent shall grant a blanket permit, good until revoked for cause, covering all tree trimming and other operations affecting public

trees or shrubs in Cle Elum by such telephone, telegraph, electric power or other public service cooperation or utility or qualified contractor. The city superintendent shall be notified of when and where such operations shall take place. The amount of such trimming or extent of the other operations shall be done in a neat, workmanlike manner, and according to generally accepted practices. If necessary the city superintendent may assign an inspector to supervise the provisions of the permit and cost of such service shall be charged to the public service corporation or utility or contractor at cost. (Ord. 1023 § 10, 1995)

**12.28.110 Permits.**

Every permit granted by the mayor, or his authorized agent, shall specifically describe the work to be done under it and shall expire at the end of not exceeding sixty days from the date of its issuance, except for those permits issued under Section 12.28.100 of this chapter. No charge shall be made for any permit. (Ord. 1023 § 11, 1995)

**12.28.120 Appeals.**

Appeals from order made hereunder may be made by filing written notice thereof with the city clerk within ten days after such order is received, stating in substance that appeal is being made from such order to the city council.

The clerk thereupon shall call such appeal to the attention of the city council at the next regular succeeding meeting, at which meeting the appellant and the city superintendent may present evidence unless a future date is set for hearing the appeal. Action taken by the city council after such a public hearing shall be conclusive. (Ord. 1023 § 12, 1995)

**12.28.130 Penalties.**

Any person, firm or corporation violating or failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not to exceed one thousand dollars, or may be imprisoned for a term not to exceed ninety days, or both; provided, however, that in all events restitution shall be or-

dered commensurate with the value of the damaged or destroyed public trees or shrubs; and further provided that, any sentence requiring community service shall require not fewer than twenty-five hours of such service, to be supervised by the tree committee overseen by the city superintendent. (Ord. 1090, 1999; Ord. 1023 § 13, 1995)



## **Title 13**

### **PUBLIC SERVICES**

#### **Chapters:**

<b>13.04</b>	<b>Combining of Water and Sewer Systems</b>
<b>13.08</b>	<b>Sewer Regulations</b>
<b>13.10</b>	<b>Sewer System Connection Charges</b>
<b>13.12</b>	<b>Water Regulations</b>
<b>13.14</b>	<b>Water Supply System Capital Reimbursement Charge</b>
<b>13.16</b>	<b>Preservation and Protection of Water Supply</b>
<b>13.20</b>	<b>Water Connection and Water Transfer Requirements</b>
<b>13.24</b>	<b>Filling or Obstruction of Surface Drains</b>
<b>13.32</b>	<b>Utility Reimbursement Agreements</b>
<b>13.40</b>	<b>Identity Theft Program</b>



## Chapter 13.04

### COMBINING OF WATER AND SEWER SYSTEMS

#### Sections:

- 13.04.010 Purpose.**
- 13.04.020 Water-sewer fund.**
- 13.04.030 Bond redemption fund.**
- 13.04.040 Charges and payments due under combined systems.**

#### **13.04.010 Purpose.**

Effective January 1, 1952, the sewerage system of the city, with all additions and improvements to the system, is combined with the water system of the city, and on and after that date shall be a part of and belong to the water system. The combining of the systems is believed to be for the best interests of the city by the city council, for the reasons, among others, that it will facilitate sale of bonds for anticipated future improvements and will make more economical and practical the administration of the two systems. (Ord. 473 § 1, 1951)

#### **13.04.020 Water-sewer fund.**

A. Effective January 1, 1991, the funds presently known as the water fund and sewer fund are abolished, and in their place is established a single combined fund to be known as the water-sewer fund into which fund revenues pertaining to the city water system and the city sewer system shall be placed and from which fund expenditures relating to the city water system and city sewer system shall be made.

B. The city clerk and city treasurer are authorized and directed to transfer from the existing water fund and sewer fund into the water-sewer fund any and all remaining funds held in the water fund and the sewer fund. (Ord. 932 §§ 3, 4, 1991; Ord. 922 §§ 3, 4, 1990; Ord. 473 § 2, 1951)

#### **13.04.030 Bond redemption fund.**

The amounts necessary to pay the principal and interest of all outstanding water revenue bonds as the same shall accrue shall be paid from the water and sewer fund into the bond redemption fund. (Ord. 473 § 3, 1951)

#### **13.04.040 Charges and payments due under combined systems.**

All existing ordinances and parts of ordinances related to or pertaining to the water and sewer systems of the city are specifically continued in effect, except such sections or provisions thereof which are directly in conflict with this chapter; it being intended to retain existing rates and regulations. All methods now provided for the collection of either or both water and sewerage charges shall be applicable to collections of all charges and payments due under the combined systems. (Ord. 473 § 4, 1951)

**Chapter 13.08****SEWER REGULATIONS****Sections:**

13.08.010	Definitions.
13.08.020	Use of public sewers required.
13.08.030	Discharge to natural outlet prohibited.
13.08.040	Private system—Prohibited.
13.08.050	Connection with public system required.
13.08.090	Private system—Regulations.
13.08.100	Private system—Connection to public system required.
13.08.110	Private system—Manner of operation.
13.08.120	Additional requirements.
13.08.130	Building sewer—Permit—Required.
13.08.140	Building sewer—Permit—Classes and application.
13.08.160	Building sewer—Separate connection for each building—Exception.
13.08.170	Old connection use.
13.08.180	Building sewer—Inspection.
13.08.190	Building sewer—Compliance required.
13.08.200	Building sewer—Connection supervision.
13.08.210	Building sewer—Excavation protection.
13.08.220	Need for standards.
13.08.230	Materials.
13.08.240	Bedding.
13.08.250	Minimum grade.
13.08.260	Minimum pipe size.
13.08.270	Jointing of pipe.
13.08.280	Backfilling of trench.
13.08.290	Field tests.
13.08.300	Septic tanks discontinuance.

13.08.310	Connection with public sewer.
13.08.320	Discharge of unpolluted water prohibited.
13.08.330	Prohibited discharges designated.
13.08.340	Interceptors required when.
13.08.350	Preliminary treatment facility maintenance.
13.08.360	Inspection permitted.
13.08.370	Rates and charges.
13.08.390	City connection or repair cost collection.
13.08.400	Lien enforcement.
13.08.410	Service of notices.
13.08.420	Penalty for violation.

**13.08.010 Definitions.**

A. "Building sewers" means and includes all sewers running from a sewer lateral or trunk to any building or other source of sewerage, and shall be synonymous with "side sewers."

B. "Engineer" means and includes the city engineer or such other official as the city council designates to enforce the provisions of this chapter, such designation to be by resolution.

C. "Industrial wastes" means and includes the liquid wastes from industrial processes as distinct from sanitary sewage.

D. "Natural outlet" means and includes any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

E. "Person" means and includes any individual, firm, company, association, society, corporation, or group.

F. "Properly shredded garbage" means and includes the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

G. "Sanitary sewer" means and includes a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.



H. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

I. "Sewage treatment plant" means and includes any arrangements of devices and structures used for treating sewage.

J. "Sewage works" means and includes all facilities for collecting, pumping, treating and disposing of sewage.

K. "Sewer" means and includes a pipe or conduit for carrying sewage.

L. "Shall" is mandatory; "may" is permissive.

M. "Storm sewer" or "storm drain" means and includes a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

N. "Watercourse" means and includes a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 506 § 1, 1954)

#### **13.08.020 Use of public sewers required.**

It is unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other filthy, odorous or unsanitary waste. (Ord. 506 § 2(1), 1954)

#### **13.08.030 Discharge to natural outlet prohibited.**

It is unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. (Ord. 506 § 2(2), 1954)

#### **13.08.040 Private system—Prohibited.**

Except as provided in this chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. (Ord. 506 § 2(3), 1954)

#### **13.08.050 Connection with public system required.**

All houses, buildings or properties used for human occupancy, employment, recreation, or other public use situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is required at his expense to install suitable toilet and sewage facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this chapter, within thirty days after date of official notice to do so; provided, that the public sewer is within two hundred feet of the lot or parcel to be sewered. All new uses shall connect to the public sanitary sewer system unless such use lawfully incorporates no facilities generating sewage effluent. (Ord. 1155 § 1, 2001; Ord. 506 § 2(4), 1954)

#### **13.08.090 Private system—Regulations.**

The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the Washington State Health Department and the Kittitas County sanitarian. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than five thousand square feet. No septic tank or cesspool is permitted to discharge to any public sewer or natural outlet. (Ord. 1155 § 5, 2001; Ord. 506 § 3(4), 1954)

**13.08.100 Private system—Connection to public system required.**

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in this chapter, a direct connection shall be made to the public sewer in compliance with this chapter, and any private septic tanks, cesspools, and similar private sewage disposal facilities shall be properly abandoned and filled with suitable materials. For the purposes of this section, "available" means that a public sewer line is within two hundred feet of the lot or parcel to be served. Should an existing private system fail or be in need of replacement or repair in excess of fifty percent of its value said system shall be properly abandoned and a direct connection shall be made to the public sewer. (Ord. 1155 § 6, 2001; Ord. 506 § 3(5), 1954)

**13.08.110 Private system—Manner of operation.**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord. 1155 § 7, 2001; Ord. 506 § 3(6), 1954)

**13.08.120 Additional requirements.**

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the city health officer. (Ord. 506 § 3(7), 1954)

**13.08.130 Building sewer—Permit—Required.**

It is unlawful for any person to uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the engineer. (Ord. 506 § 4(1), 1954)

**13.08.140 Building sewer—Permit—Classes and application.**

There shall be two classes of building sewer permits: 1, for residential service; and 2, for commercial service and for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the engineer. (Ord. 506 § 4(3), 1954)

**13.08.160 Building sewer—Separate connection for each building.**

A separate and independent building sewer shall be provided for every building requiring a sewerage connection in accordance with the provisions of this chapter and Chapter 13.10 of the Cle Elum Municipal Code. (Ord. 1124 § 2, 2000; Ord. 506 § 4(4), 1954)

**13.08.170 Old connection use.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the engineer, to meet all requirements of this chapter. (Ord. 506 § 4(5), 1954)

**13.08.180 Building sewer—Inspection.**

The city engineer shall inspect all building sew-

ers. No backfilling shall be performed until the inspection has been completed. The property owner shall notify the engineer as to the desired time of inspection, and the engineer shall make inspection within forty-eight hours after such notice. The decision of the engineer shall be final regarding the details of construction, regardless of the location of any portion of the building sewer. (Ord. 506 § 4(6), 1954)

**13.08.190 Building sewer—Compliance required.**

All building sewers constructed in the city must be constructed in compliance with the rules, specifications and standards set out in this chapter. (Ord. 506 § 4(7), 1954)

**13.08.200 Building sewer—Connection supervision.**

No building sewer shall be connected to a lateral or trunk sewer except under the direct supervision of the engineer. (Ord. 506 § 4(8), 1954)

**13.08.210 Building sewer—Excavation protection.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. No excavation shall be left open for a longer time than is necessary to complete the sewer connection. (Ord. 506 § 4(9), 1954)

**13.08.220 Need for standards.**

The city council hereby finds that, to provide adequate standards for the protection of health and promotion of the community welfare, it is necessary to adopt the reasonable rules, standards and specifications set forth in this chapter. (Ord. 506 § 5(1), 1954)

**13.08.230 Materials.**

All sewer pipe shall be concrete, cast iron, vitri-

fied clay, or other suitable material approved by the engineer. All jointing materials shall be of the bituminous type (asphaltic material with acid-resisting fillers), or lead. Bituminous compounds which are hot poured with a jute or oakum gasket are preferred. The hot poured compound shall be equal to or better than the Atlas mineral product "JC-60." Ready-mixed bituminous compounds that may be packed cold into the joints is the alternate. These compounds shall be equal to or better than the Waterworks Supply Company "Plastiflex." Names and addresses of suppliers will be furnished upon request. (Ord. 506 § 5(2), 1954)

**13.08.240 Bedding.**

All excavation near the bottom of the trench shall be accomplished in such way as to insure a uniform bedding for pipe. In general, a groove to fit and receive the pipe shall be formed in the bottom of the trench. In unsuitable or soft material, bedding gravel is required. (Ord. 506 § 5(3), 1954)

**13.08.250 Minimum grade.**

The minimum grade on the building sewers shall be one-quarter inch per foot. (Ord. 506 § 5(4), 1954)

**13.08.260 Minimum pipe size.**

The minimum size of pipe utilized on all newly laid building sewer construction shall be not less than four inches in diameter. (Ord. 506 § 5(5), 1954)

**13.08.270 Jointing of pipe.**

A gasket of closely twisted hemp or oakum shall be placed around the pipe. The gasket shall be in one piece of suitable size and shall be lapped at the top. The gasket shall be rammed solidly and tightly into the annular space within the socket of the pipe with a suitable caulking tool. A suitable runner shall be placed around the pipe to close the socket opening. The bituminous material or lead shall be heated to approximately three hundred fifty degrees Fahrenheit or until free-flowing and poured so as to completely fill the annular space. Before a joint is

made, each collar shall be brushed with a solvent recommended by the manufacturer of the joint material. All bells of bell and spigot type pipe shall be laid at the higher end. All spigots shall be properly centered so as to insure a uniform thickness of the joint. All joints shall be made in a dry trench and shall be made gastight and watertight. (Ord. 506 § 5(6), 1954)

#### **13.08.280 Backfilling of trench.**

The material immediately around the pipe shall be carefully compacted to at least six inches above the top of the pipe. In gravel soils, the material above six inches above the pipe may be saturated after seventy-two hours after jointing the pipe so as to decrease the possibility of future settlement. (Ord. 506 § 5(7), 1954)

#### **13.08.290 Field tests.**

The city, at the discretion of the engineer, may require pressure tests to determine the adequacy of any building sewer connection. (Ord. 506 § 5(8), 1954)

#### **13.08.300 Septic tanks discontinuance.**

All septic tanks shall be bypassed and filled in within thirty days after a new sewer connection has been completed. (Ord. 506 § 5(9), 1954)

#### **13.08.310 Connection with public sewer.**

The connection of the building sewer into the public sewer shall be made at the Y branch, if such branch is available at a suitable location. If the public sewer is twelve inches in diameter or less, and no properly located Y branch is available, the owner shall make connection in the manner specified by the engineer. Where the public sewer is greater than twelve inches in diameter, and no properly located Y branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five degrees. A forty-five degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the build-

ing sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the engineer. (Ord. 506 § 5(10), 1954)

#### **13.08.320 Discharge of unpolluted water prohibited.**

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer. (Ord. 506 § 6(1), 1954)

#### **13.08.330 Prohibited discharges designated.**

Except as provided in this chapter, no person shall discharge or cause to be discharged any of the following described waters, wastes or materials into any public sewer:

A. Any substance of any type poisonous to man, fish, fowl or another animal; and any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

B. Any oil, gasoline, cleaning fluid or other oily or volatile substance;

C. Any inflammable or explosive liquid, solid or gas;

D. Any garbage that has not been properly shredded;

E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works. (Ord. 506 § 6(2), 1954)

#### **13.08.340 Interceptors required when.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the engineer or the city council, they are necessary for the proper handling

of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the engineer and shall be located in such manner as to be readily and easily accessible for cleaning and inspection. These interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. All such interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (Ord. 506 § 6(3), 1954)

#### **13.08.350 Preliminary treatment facility maintenance.**

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense. (Ord. 506 § 6(4), 1954)

#### **13.08.360 Inspection permitted.**

The engineer and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this chapter. (Ord. 506 § 6(5), 1954)

#### **13.08.370 Rates and charges.**

##### **A. Residential Rates.**

1. **Single-Family Dwellings:** Single-family dwellings and townhouses served independently shall be charged a rate of thirty-nine dollars and eighty-two cents per month, regardless of occupancy status, provided sewer service is requested and connection has been made.

2. **Multi-Residential Developments:** Multi-residential developments, including manufactured

housing parks, trailer parks, and duplexes or triplexes, served collectively or independently, shall be charged thirty-nine dollars and eighty-two cents per unit, or space, per month, without consideration to occupancy status.

3. **Apartments, Condominium and Townhouse Developments:** Apartments, condominium and townhouse developments with four units or more, and residential development complexes (fourplexes or more) served collectively, shall be charged twenty-seven dollars and twenty-seven cents per unit, per month, without consideration to occupancy status.

**B. Commercial/Business Rates.** Sewer rates for commercial and business users shall be based upon the volume of water delivered including a minimum monthly base charge regardless of the amount of water delivered, plus an additional charge for each cubic foot of water delivered, as follows:

1. **Commercial/Business:** The minimum monthly base charge to a commercial/business account in this category shall be twenty-seven dollars and twenty-seven cents per establishment, per month, regardless of occupancy status, and regardless of the amount of water delivered. The additional monthly charge based on metered water consumption per cubic foot shall be one dollar and fourteen cents per one hundred cubic feet, per month. The rates specified for this user category shall apply to all users discharging to the city of Cle Elum sewer system who are not specifically listed elsewhere.

2. **Motels:** Motels, or similar establishments such as cabin courts and auto courts, shall be charged at the rates listed above for commercial and business establishments based on metered water consumption per cubic foot. The minimum monthly base charge to a motel shall be twenty-seven dollars and twenty-seven cents per month, regardless of occupancy status, and regardless of the amount of water delivered. The additional monthly charge based on metered water consumption per cubic foot shall be one dollar and fourteen cents per one hundred cubic feet, per month.

3. **Car Washes:** The minimum monthly base charge to a car wash, or other commercial/business whose primary wastewater discharge to the city is from car washing operations, shall be twenty-seven dollars and twenty-seven cents per establishment, per month, regardless of occupancy status, and regardless of the amount of water delivered. The additional monthly charge based on metered water consumption per cubic foot shall be no dollars and eighty cents per one hundred cubic feet, per month.

4. **Laundromats/Cleaning Establishments:** The minimum monthly base charge to a Laundromat or cleaning establishment, whose primary function is to provide commercial laundry service, shall be twenty-seven dollars and twenty-seven cents per establishment, per month, regardless of occupancy status, and regardless of the amount of water delivered. The additional monthly charge based on metered water consumption per cubic foot shall be no dollars and eighty cents per one hundred cubic feet, per month.

5. **Where multiple commercial and business establishments are tenants in a single building and are served by a common water meter, and have a single account with the city, domestic waste charges shall be based upon the minimum monthly base charge and the metered water consumption per cubic foot. The minimum monthly charge shall be the total sum of the minimum monthly charges, determined as if each establishment were an individual account. The additional monthly charge based on metered water consumption per cubic foot shall be one dollar and fourteen cents per one hundred cubic feet, per month.**

6. **Where multiple commercial and business establishments are tenants in a single building and are serviced by separate water meters, then each establishment shall be charged at the minimum monthly base charge of twenty-seven dollars and twenty-seven cents plus an additional monthly charge based on metered water consumption per cubic foot of one dollar and fourteen cents per one hundred cubic feet, per month.**

7. **Where multiple commercial and business establishments are tenants in a single building and**

**are served by a common water meter, and each establishment has a separate account with the city, domestic waste charges shall be based upon metered water consumption using the commercial and business categories described above. Billing amount for the additional monthly charge based on metered water consumption, at a rate of one dollar and fourteen cents per one hundred cubic feet, per month, shall be distributed equally between the establishments connected to the meter.**

8. **Commercial/business users who lose water through evaporation, irrigation, or in a product, may request a reduction in their monthly sewer charge only if the difference between water consumed and wastewater discharged to the city is documented through the use of water meters, in such a situation, the monthly sewer charges will be based upon the volume of wastewater discharged to the city at the appropriate rate specified within this section. The commercial/business user shall be responsible for all costs associated with the installation of additional meters needed to verify the volume of wastewater discharged to the city.**

**C. School Rates. Sewer rates for school users shall be based upon the volume of water delivered including a minimum monthly charge regardless of the amount of water delivered, plus an additional charge for each cubic foot of water delivered, as follows:**

1. **Schools:** The minimum monthly base charge to a school user in this category shall be one hundred seventy-four dollars and twenty-five cents per school per month, regardless of occupancy status, and regardless of the amount of water delivered. The additional monthly charge based on metered water consumption per cubic foot shall be one dollar and fourteen cents per one hundred cubic feet, per month, per school.

2. **Administration and Ancillary Buildings:** Administration, shop, maintenance, and other ancillary buildings owned or leased by the school, and receiving a sanitary sewer service from the city, shall be charged for service at the rates set forth for commercial/business users.

3. School users who lose water through evaporation, irrigation, or in a product, may request a reduction in their monthly sewer charge only if the difference between water consumed and wastewater discharged to the city is documented through the use of water meters. In such a situation, the monthly sewer charges will be based upon the volume of wastewater discharged to the city at the appropriate rate specified within this section. The school user shall be responsible for all costs associated with installation of additional meters needed to verify the volume of wastewater discharged to the city.

D. Industrial Rates. Sewer rates for industrial users shall be based upon the volume of water delivered including a minimum monthly charge regardless of the amount of water delivered, plus an additional charge for each cubic foot of water delivered, as follows:

1. General Industrial User Conditions: The following conditions apply to all industrial users discharging to the city wastewater facilities:

(a) There shall be no unmetered sources of water contributing wastewater to the city sewage works without the knowledge and prior written approval of the city.

(b) The city reserves the right to test, monitor, and control any wastewater discharged to any city facility at any time.

(c) Industrial users who lose water through evaporation, irrigation, or in a product, may request a reduction in their monthly sewer charge only if the difference between water consumed and wastewater discharged to city is documented through the use of water meters. In such a situation, the monthly sewer charges will be based upon the volume of wastewater discharged to the city at the appropriate rate specified within this section. The industrial user shall be responsible for all costs associated with installation of additional meters needed to verify the volume of wastewater discharged to the city.

(d) Industrial users of the city wastewater facilities shall be evaluated and determined by the city as to whether monitoring stations on waste-

water discharges will be required. If monitoring stations are required by the city, the city shall designate when, where, and how many stations shall be placed. City-approved monitoring stations shall be installed and maintained continuously in satisfactory and effective operation by, and at the expense of, the industrial user, at the direction of the city.

2. Industrial Discharges: The minimum monthly charge to an industrial user in this category, discharging industrial process wastes, either separate or in combination with domestic sewage, shall be one hundred seventy-four dollars and twenty-five cents. The additional monthly charge based on metered water consumption per cubic foot shall be one dollar and fourteen cents per one hundred cubic feet, per month.

E. Special sewer rate considerations. When a sewer rate is based on metered water consumption, there may be circumstances when normal procedures for determining monthly sewer rates do not apply. The following considerations shall apply when determining the monthly sewer rate under special circumstances:

1. When a water meter fails or malfunctions and it is not possible to accurately determine the amount of water consumed, the amount to be charged for sewer for any month during which the meter failure or malfunction or leak occurred shall be based on the metered consumption of water for the same period the previous year. In the event there is no record of water consumption for the same period in the prior year, the amount of consumption shall be estimated by the city.

2. In the event of a verified leak, which would result in an unusually large sewer billing due to increased water usage, said sewer charges shall be based upon the metered consumption of water for the same period the previous year. In the event there is no record of water consumption for the same period in the prior year, the amount of consumption shall be estimated by the city.

3. If a sewer service is in a user category whose sewer rates are based on metered water consumption, but that user does not receive water

from the city, then the city may require the user to install a meter on the water supply, or the city may determine the monthly sewer rate to be one hundred fifty percent one hundred fifty percent of the minimum monthly charge for sewer service.

4. When a commercial use is combined with a residential use on a single meter, the minimum monthly charge shall be the total sum of the minimum monthly charges, determined as if each establishment were an individual account. A single family dwelling residential use shall be allocated one thousand one hundred twenty-five cubic feet of water per month per dwelling, and an apartment or condominium residential use shall be allocated seven hundred seventy cubic feet of water per month per unit. The additional monthly charge based on metered water consumption per cubic foot shall be one dollar and fourteen cents per one hundred cubic feet, per month for all water consumed in addition to these allocated monthly minimums for the residential uses.

F. Sewer reserve charges. Sewer reserve charges shall be collected monthly from all users as described below and placed into the water/sewer reserve fund.

1. Single Family Dwellings: Single-family dwellings shall be charged a sewer reserve charge of three dollars and fifty-eight cents per month, regardless of occupancy status.

2. Multi-Residential Developments: Multi-residential developments, including manufactured housing parks, trailer parks, and duplexes or triplexes, served collectively or independently, shall be charged a sewer reserve charge of three dollars and fifty-eight cents per unit, or space, per month, without consideration to occupancy status.

3. Apartments, Condominium and Townhouse Developments: Apartments, condominium and townhouse developments with four units or more, and residential development complexes (fourplexes or more) served collectively or independently, shall be charged a sewer reserve charge of three dollars and fifty-eight cents per unit, per month, without consideration to occupancy status.

4. Commercial/Business: Sewer reserve charges for commercial/business users shall be based on the number of employees. The minimum monthly sewer reserve charge to a commercial/business account in this category shall be three dollars and fifty-eight cents per establishment, per month, regardless of occupancy status, for one to twenty employees. The monthly sewer reserve charges for larger numbers of employees shall be as follows:

21—40 employees—Seven dollars and sixteen cents

41—60 employees—Ten dollars and seventy-four cents

More than 60 employees—Fourteen dollars and thirty-two cents

5. Motels: Motels, or similar establishments such as cabin courts and auto courts, shall be charged a sewer reserve charge of three dollars and fifty-eight cents per every two rooms or units, per month, without consideration to occupancy status.

6. Car Washes: A car wash, or other commercial/business whose primary wastewater discharge to the city is from car washing operations, shall be charged a sewer reserve charge per month of seven dollars and sixteen cents per month.

7. Laundromats/Cleaning Establishments: A Laundromat or cleaning establishment, whose primary function is to provide commercial laundry service, shall be charged a sewer reserve charge of seven dollars and sixteen cents per month.

8. Restaurants, Taverns and Drive-Ins: Sewer reserve charges for restaurants, taverns and drive-ins shall be based on the number of seats. The minimum monthly sewer reserve charge to a restaurant, tavern, or drive-in in this category shall be three dollars and fifty-eight cents per establishment, per month, regardless of occupancy status, for one to fifty seats. The monthly sewer reserve charges for larger numbers of seats shall be as follows:

51—100 seats—Seven dollars and sixteen cents



101—150 seats—Ten dollars and seventy-four cents

More than 150 seats—Fourteen dollars and thirty-two cents

9. Schools: Schools shall be charged a sewer reserve charge of thirty-five dollars and seventy-seven cents per month, regardless of occupancy status. Administration, shop, maintenance, and other ancillary buildings owned or leased by the school, and receiving sanitary sewer service from the city, shall be charged monthly sewer reserve charges at the rates set forth for commercial/business users.

10. Industrial Users: Sewer reserve charges for industrial users shall be based on the number of employees. The minimum monthly sewer reserve charge to an industrial user shall be thirty-five dollars and seventy-seven cents per month, per establishment, per month, regardless of occupancy status, for one to twenty employees. The monthly sewer reserve charges for larger numbers of employees shall be as follows:

21—40 employees—Thirty-nine dollars and thirty-five cents

41—60 employees—Forty-two dollars and ninety-three cents

More than 60 employees—Forty-six dollars and fifty cents

11. Where multiple uses (e.g., combined commercial and residential uses) are combined into a single account, or where multiple commercial and business establishments are tenants in a single building and are served by a common water meter, the monthly sewer reserve charge shall be the total sum of the sewer reserve charges determined as if each use or establishment were an individual account.

12. Where multiple commercial and business establishments, and/or residential uses, are tenants in a single building and are served by separate water meters, then each establishment shall be charged a sewer reserve charge as if each establishment were an individual account. (Ord. 1261 §§ 1—3, 2006; Ord. 1236 § 1, 2005; Ord. 1189 §§ 1,

2, 2002; Ord. 1124 § 3, 2000; Ord. 1106 §§ 1, 2, 1999; Ord. 910 § 1, 1990; Ord. 907 § 1, 1990; Ord. 845 § 1, 1986; Ord. 816 § 1, 1984; Ord. 754 § 1, 1980; Ord. 714 § 1, 1976; Ord. 506 § 7, 1954) (Ord. No. 1291, § 2, 4-22-2008; Ord. No. 1301, § 1, 12-9-2008; Ord. No. 1308, § 1, 3-10-2009)

### **13.08.390 City connection or repair cost collection.**

If any sewer connection, or any repair to an existing sewer, is not made within the time and in the manner in this chapter provided, the engineer is authorized and directed to cause the same to be made and to file a statement of the cost thereof with the city treasurer, and thereupon a warrant shall be issued under the direction of the city council by the city treasurer for the payment of such cost. The amount of the cost, together with a penalty of ten percent of the amount thereof, plus interest at eight percent per year upon the total amount of the cost and penalty shall be assessed against the property upon which the building or structure is situated and shall become a lien thereon as provided in this section. (Ord. 506 § 9 (part), 1954)

### **13.08.400 Lien enforcement.**

All of the service charges, connection charges, assessments and other charges, together with the penalties and interest thereon as provided in this chapter, shall be a lien upon the property serviced, superior to all other liens or encumbrances thereon except those for general taxes and local and special assessments. The lien shall be enforced by the city in the manner provided by law. The city may, as an additional and concurrent method of enforcing such liens, cut off the water service from the premises to which the sewer service has been furnished; provided, this method of enforcement shall not be exercised after two years from the date of the recording of sewerage lien notice, as by law provided, except to enforce payment of six months' charges for which no lien notice is required by law to be recorded. (Ord. 506 § 9 (part), 1954)

**13.08.410 Service of notices.**

Any person who has the care, custody, control or management of any premises or building or who has control of the renting thereof or the collection of rentals therefrom shall, for purpose of this chapter, be deemed to be the agent of the owner of the premises or building, and the giving of all notices provided for in this chapter to the agent is deemed due notice to the owner. All such notices shall be served personally upon the owner or his agent, or by deposit in the United States mail in a sealed envelope with first class postage prepaid and addressed to the owner or his agent at the address of his last known residence, and such service by mail shall be deemed the equivalent of personal service. Ten days' notice shall be given where notices are required under this chapter, unless a longer notice period is prescribed in this chapter; and the notice period shall commence at the time of personal service or at the time of deposit of the notice in the United States mail. (Ord. 506 § 10, 1954)

**13.08.420 Penalty for violation.**

Any person who is convicted of violating or failing to comply with any of the provisions of this chapter (except the nonpayment of rates and charges or other moneys due) shall be fined in any sum not to exceed one hundred fifty dollars or imprisoned for a period of not more than thirty days or both fined and imprisoned as provided in this section. (Ord. 506 § 11, 1954)

## Chapter 13.10

### SEWER SYSTEM CONNECTION CHARGES

#### Sections:

- 13.10.010 Purpose and intent.
- 13.10.020 Sewer connection fees and charges required.
- 13.10.030 System connection charge.
- 13.10.040 Capital reimbursement charge.
- 13.10.050 Schedule of equivalent residential units (ERU's).
- 13.10.055 Independent ERU calculation.
- 13.10.060 Responsibility of customer to install.
- 13.10.070 City inspection and approval of installation—Fee required.
- 13.10.080 Low income housing facilities schedule of charges.
- 13.10.090 Collection of charges.
- 13.10.100 Appeals.

#### 13.10.010 Purpose and intent.

The system of sewer connection charges and fees established in this section is intended to accomplish the following purposes:

A. Establish a charge which brings new customers into an equity position with current, long-term customers, regarding the present value of the sewer treatment and interceptor collection system;

B. Establish a charge which proportionately allocates the cost of new system treatment capacity to those new customers which use that capacity;

C. Establish a schedule of ERU's which sets the buy-in and new capacity connection charges on the basis of total strength and volume of wastewater generated;

D. Assign the responsibility for installation of approved new customer hookups to the customer, and provide for city inspection and approval of the work, along with accompanying administrative fee;

E. Establish modified charges and rates for low income housing facilities;

F. Establish an appeal procedure, whereby a new customer can request review and appeal of

hookup charges calculated on the basis of this section. (Ord. 1124 § 5 (part), 2000)

#### 13.10.020 Sewer connection fees and charges required.

As provided in this section, all new sewer customers shall be required to pay a connection charge which shall include a system connection charge, a capital reimbursement charge, and an administrative fee. (Ord. 1124 § 5 (part), 2000)

#### 13.10.030 System connection charge.

The system connection charge, which is based on the current life expectancy value of the existing sewer treatment and interceptor collector system, has been established on the basis of engineering studies, generally accepted professional standards, and analysis of system component costs and values. This connection charge is set at six hundred dollars/ERU. (Ord. 1124 § 5 (part), 2000)

#### 13.10.040 Capital reimbursement charge.

The capital reimbursement charge is based on the cost of providing new treatment capacity. The capital reimbursement charge is set at three thousand five hundred fifty dollars/ERU. (Ord. 1232 § 1, 2005; Ord 1151 § 1, 2001; Ord. 1140 § 1, 2001; Ord. 1124 § 5 (part), 2000)

#### 13.10.050 Schedule of equivalent residential units (ERU's).

The following list of ERU values shall serve as the basis for calculating buy-in and new capacity charges. This list is derived from Table G2-1, page G2-6, Criteria for Sewage Works Design. Washington Department of Ecology.

Single-family residence	1.00 ERU
Townhouse	0.85 ERU per unit
Apartment	0.70 ERU per unit
Motels and hotels	0.40 ERU per unit with kitchenette
	0.20 ERU per unit without kitchenette
Restaurants and bars	0.25 ERU per seat

Shopping center	0.60 ERU per 1,000 square feet
Church	0.02 ERU per seat
Country club	0.30 ERU per member
Bowling alley	0.45 ERU per lane
Nursing home	1.15 ERU per bed
Home for aged	0.60 ERU per bed
Theatre (all types)	0.03 ERU per seat
Swimming pool	0.06 ERU per person capacity
Doctor and dentist office	1.40 ERU per chair or examining room
Manufacturing/Industrial — sanitary use only	0.10 ERU per employee
Industrial waste	Independent ERU calculation
Grocery store	0.10 ERU per employee (no sink disposal)
Grocery store	1.30 ERU add on per sink disposal unit
Laundromat	0.90 ERU per machine
Service stations — no service bays	0.10 ERU per pumping station
Service stations — with service bays	0.05 ERU add-on per service bay
Service stations — with wash bays	0.35 ERU add-on per car wash bay
Service stations — with wash bays	0.60 ERU add-on per truck wash bay
By custom facility (not fitting into any above type of facility):	
Washing machine	0.20 ERU per machine (3 or more, use 0.90 ERU)
Dishwasher	0.03 ERU (home style — less than 2 machines)
Bathtub	0.10 ERU per tub
Garbage disposal	1.30 ERU per sink add-on
Shower	0.15 ERU per showerhead
Washbasin	0.05 ERU per sink
Water closet (toilet)	0.30 ERU per toilet

Note: The minimum ERU value, for purposes of determining connection charges and fees, shall be 1 ERU. (Ord. 1168 § 1, 2002; Ord. 1124 § 5 (part), 2000)

#### 13.10.055 Independent ERU calculation.

Where a specific use is not listed or does not clearly meet the categories provided for in Section 13.08.050, an applicant for sewage calculation may submit an independent calculation from which an ERU rate may be calculated. Uses generating industrial waste shall provide an independent calculation. The independent calculation shall be completed by an engineer licensed and registered in the state of Washington with expertise in calculating sewage generation rates and loading. The director of public works shall review the independent calculation and approve the calculation if it is consistent with typical engineering practices. (Ord. 1168 § 2, 2002)

#### 13.10.060 Responsibility of customer to install.

The customer shall be responsible for installation of the sanitary sewer service line from the property boundary to the city main. This work shall be done by a licensed and bonded contractor, subject to city inspection and acceptance, and shall include installation of the line, street cutting, backfill, compaction, ballast, patching, and traffic control. (Ord. 1124 § 5 (part), 2000)

#### 13.10.070 City inspection and approval of installation—Fee required.

In addition to the connection charge and capital reimbursement charges provided for above, a fee of one hundred dollars shall be assessed for each new hookup, to cover the costs of inspection, approval, and administrative processing. (Ord. 1124 § 5 (part), 2000)

#### 13.10.080 Low income housing facilities schedule of charges.

For development proposals designed to serve low income recipients, with a qualifying income level at or below forty percent of the county median income

level, the sewer connection charges for one and two bedroom units shall be as follows:

	Con- nec- tion	Capital Reimb.	Admin.	Total
1 bed- room			\$100	
2 bed- room			100	

(Ord. 1232 § 2, 2005; Ord. 1140 § 2, 2001; Ord. 1151 § 8, 2001; Ord. 1124 § 5 (part), 2000)

#### **13.10.090 Collection of charges.**

Charges for sewer connection charges and fees shall be collected at the time of issuance of the building permit. (Ord. 1124 § 5 (part), 2000)

#### **13.10.100 Appeals.**

A decision of the director of public works under this chapter may be appealed to the city council as provided for in CEMC Section 17.100.130. (Ord. 1168 § 3, 2002)

## **Chapter 13.12**

### **WATER REGULATIONS**

#### **Sections:**

- 13.12.005 Definitions.**
- 13.12.010 Applications.**
- 13.12.015 Service pipes—Arrangement.**
- 13.12.016 Cross-connection prevention.**
- 13.12.020 Service pipes—Placement and size.**
- 13.12.030 Premises to be kept open to inspection.**
- 13.12.035 Defacing service equipment.**
- 13.12.040 Meters property of city.**
- 13.12.050 Repair of service pipes—Owner's responsibility.**
- 13.12.060 Extension of water mains.**
- 13.12.070 Existing hookups.**
- 13.12.080 Collection of charges.**
- 13.12.090 Auxiliary potable services.**
- 13.12.100 Rates and charges.**
- 13.12.105 Reinstitution charge.**
- 13.12.110 Defective equipment.**
- 13.12.115 Petition for and relief from water bill.**
- 13.12.120 Turning off water and making connections—Written permission required.**
- 13.12.130 Access for purpose of inspection.**
- 13.12.140 Water accounts kept in property owner's name.**
- 13.12.150 Water shortages—City's rights in case of.**
- 13.12.160 Water use during fires.**
- 13.12.170 Regulation of water use by meter installation.**
- 13.12.180 Amendment of rules and regulations.**

**13.12.190 Open hoses and sprinkler head provisions.****13.12.200 Low income senior citizens—  
Reduced rates.****13.12.210 Violation—Penalty.****13.12.005 Definitions.**

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

A. "Outside the city limits" means and relates to territories situated beyond the corporate limits of the city of Cle Elum.

B. "Person" means and includes natural persons of either sex, associations, copartnerships and incorporations, whether acting by themselves or by a servant, agent or employee. The single number shall be held to include the plural and the masculine pronoun to include the feminine.

C. "Premises" when used in reference to residence means a single-dwelling unit.

D. "Utility superintendent" means the utility superintendent of the city of Cle Elum. (Ord. 776 § 1, 1981)

**13.12.010 Applications.**

A. An application for the use of water must be made on printed forms to be furnished at the office of the city clerk for each water service. The application must state fully all purposes for which city water is to be used and the applicant shall agree to conform to all rules and regulations pertaining to the usage of city water.

B. All new service connections shall be metered. Water shall be furnished at meter rates, which will be no less than the established minimum charge per month. The meters, meter boxes, valves and service line from the main to the meter shall remain the property of the city.

C. No user of water is entitled to use water other than for the purposes stated in the application form.

D. No person will be allowed to make connections with city water mains, or make alterations in any pipe, connect any disconnected pipe or turn connections on or off without permission

of the utility superintendent. (Ord. 776 § 2, 1981)

**13.12.015 Service pipes—Arrangement.**

A. Service pipes must be so arranged so as a water supply to each separate house or premises may be controlled by a separate stopcock placed within and near the line of the street curb.

B. Where water is now supplied through one service to several houses, families or persons, the city may, at its discretion, either decline to furnish water until separate services are provided, or may continue the supply on the condition that one person shall pay for all in the same service. (Ord. 776 § 3, 1981)

**13.12.016 Cross-connection prevention.**

A. The city is required to eliminate or control all cross-connections throughout its service area. Therefore, anyone wanting or using water from the city is required to comply with these regulations. The owner of the property in which a cross-connection occurs is fully responsible for all damages incurred.

B. The city superintendent will enforce the provisions of this section. The city superintendent may delegate responsibilities to a certified cross-connection control specialist/inspector. The provisions of this section may supersede state regulations but in no case shall they be less stringent. All approved standards shall be approved by the city and the city superintendent. All back-flow-prevention assemblies required by this section shall be a model approved by the Kittitas County department of health. Approved backflow prevention assemblies required by this section shall be installed under the direction of the city superintendent and/or under the supervision of the cross-connection specialist/inspector utilizing the city standards.

C. All RPBA's, RPDAs, DCVAs, DCDA's and PVBAs are required to be tested at least annually and all air gaps installed in lieu of an approved backflow prevention assembly shall be inspected at least annually. Completed test reports shall be returned to the city within thirty days after receipt

of the yearly test notification. Tests and inspections may be required on a more frequent basis at the discretion of the city superintendent.

D. Authorized employees of the city with proper identification shall have free access at reasonable hours of the day to all parts of a premises or within buildings to which water is supplied. Water service shall be refused or terminated to any premises for failure to allow necessary inspections.

E. Failure of the customer to cooperate in the installation, maintenance, repair, inspection or testing of backflow prevention assemblies required by this section shall be grounds for termination of water services to the premises or the requirement for an air gap separation.

F. As used in this section, the following words shall have the following meanings:

"Air gap (AG)" means the vertical physical separation between the free-flowing discharge end of the potable supply line and the overflow rim of the receiving vessel. This separation must be at least twice the inside diameter of the supply line, but never less than one inch. When located near walls, the air gap separation must be increased.

"Approval/approved" means approved in writing by the Kittitas County health department or other agency having jurisdiction.

"Atmosphere vacuum breaker (AVB)" means a device which contains a float check (poppet), a check seat and air inlet vent. When water pressure is reduced to a gauge pressure of zero or below, air enters the device, preventing backsiphonage. It is designed to protect against backsiphonage only.

"Auxiliary water supply" means any water supply on, or available to, a premises other than the city's approved public potable water supply.

"Auxiliary water supply—approved" means an auxiliary water supply which has been investigated and approved by the Kittitas County health department, meets water quality regulations, and is accepted by the city.

"Auxiliary water supply—unapproved" means an auxiliary water supply which is not approved by the health authority.

"Backflow" means the flow of water or other liquids, gases or solids from any source back into the distribution piping of the public potable supply system.

"Backflow prevention assembly" means an assembly which prevents the backflow of water or other liquids, gases or solids into the city's potable water supply and appears on the Kittitas County department of health's "approved" list.

"Backflow prevention device" means a device which prevents the backflow of water or other liquids, gases or solids into the city's potable water supply and does not appear on the Kittitas County department of health's "approved" list.

"Backpressure" means water pressure which exceeds the operating pressure of the public potable water supply.

"Backsiphonage" means backflow due to a negative or reduced pressure within the public potable water supply.

"Barometric loop (BL)" means a loop of pipe rising at least thirty-five feet at its uppermost point, above the highest point on the downstream piping.

"Certified backflow assembly tester" means a person who is certified by the Kittitas County department of health to test backflow prevention assemblies.

"Certified cross-connection control specialist/inspector" means person who is certified by the Kittitas County department of health, or other approval agency, to administer a cross-connection control program and to conduct cross-connection surveys.

"Confined space" means any space having a limited means of egress which is subject to the accumulation of toxic or flammable contaminants or any oxygen deficient atmosphere.

"Contamination" means an impairment of the quality of the potable water which creates an actual hazard to the public health through poisoning or through the spread of diseases by sewage, industrial fluids or waste. Also defined as high hazard.

"Critical level" means the point on a vacuum breaker which determines the minimum elevation above the flood level rim of the fixture or receptacle served at which the vacuum breaker may be installed.

"Cross-connection" means a point in the plumbing system where the public potable water supply is connected directly, or has the potential of being connected, to a source of nonpotable substance that is not a part of the public potable water supply.

"Double check detector assembly (DCDA)" means an approved assembly consisting of two approved double check valve assemblies, set in parallel, equipped with a meter on the bypass line to detect small amounts of water leakage or use. This unit must be purchased as a complete assembly. The assembly may be allowed on fire line water services in place of an approved double check valve assembly upon approval by the city superintendent.

"Double check valve assembly (DCVA)" means an approved assembly operating check valves, loaded to the closed position by springs or weights, and installed as a unit with, and between, two resilient seated shutoff valves and having suitable connections for testing.

"Flood level" means the highest level to which water, or other liquid, will rise within a tank or fixture (i.e., the overflow rim of the receiving vessel).

"Health authority" means the Kittitas County department of health or other appropriate state agency having jurisdiction.

"High hazard" means a physical or toxic hazard which could be detrimental to one's health.

"In-plant protection" means the practice of installing backflow prevention assemblies at the point of hazard to protect one or more actual or potential cross-connections within a premises.

"Internally loaded check valve" means a check valve which is internally loaded, either by springs or weights, to the extent it will be drip-tight with a one psi differential in the direction of flow.

"Local enforcement authority" means an authorized agent of the regulatory authority and/or the city of Cle Elum.

"Low hazard" means a hazard which could cause aesthetic problems or have a detrimental effect on the quality of the public potable water supply.

"Nonpotable fluid" means any water, other liquid, gas or other substance which is not safe for human consumption, or is not a part of the public potable water supply as described by the Kittitas County health department.

"Pollution" means an impairment of the quality of the public potable water supply which does not create a hazard to the public health but which does adversely affect the aesthetic qualities of such potable waters for domestic use. Also defined as "low hazard."

"Potable water" means water which is safe for human consumption, free from harmful or objectionable materials, as described by the Kittitas County health department.

"Premises isolation" means the practice of protecting the public potable water supply by installing backflow prevention assemblies at or near the point where water enters the premises. This type of protection does not provide protection to personnel on the premises.

"Pressure vacuum breaker assembly (PVBA)" means an approved assembly consisting of a spring loaded check valve loaded to the closed position, an independently operating air inlet valve loaded to the open position and installed as a unit with and between two resilient seated shutoff valves and with suitable connections for testing. It is designed to protect against backsiphonage only.

"Private hydrant" means any hydrant which is not owned, operated or maintained by the city.

"Process water" means water that is directly connected to, or could come in contact with, an extreme high hazard situation, and must never be consumed by humans.

"Reduced pressure backflow assembly (RPBA)" means an approved assembly consisting of two independently operating check valves, spring



loaded to the closed position, separated by a spring loaded differential pressure relief valve loaded to the open position, and installed as a unit with and between two resilient seated shutoff valves and having suitable connections for testing.

"Reduced pressure detector assembly (RPDA)" means an approved assembly consisting of two approved reduced pressure backflow assemblies, set in parallel, equipped with a meter on the by-pass line to detect small amounts of water leakage or use. This unit must be purchased as a complete assembly. The assembly may be allowed on fire line water services in place of an approved reduced pressure backflow assembly upon approval by the city.

"Used water" means any potable water which is no longer in the city's distribution system. In most cases, the potable water has moved past (downstream of) the water meter and/or the property line. (Ord. 938 § 1, 1991)

#### **13.12.020 Service pipes—Placement and size.**

A. When an application for water service is approved, service pipe and connections from the main line to and including the stopcock and meter will be installed and maintained by the city water department, and shall be kept within the exclusive control of the city. The city will lay its connection to the premises upon payment of actual costs of installation plus ten percent.

B. No premises shall be allowed more than one service connection except for fire purposes, industrial or commercial usage, in which case each service shall be metered and paid for separately. (Ord. 776 § 4, 1981)

#### **13.12.030 Premises to be kept open to inspection.**

Agents of the city shall have access at all proper hours of the day for the purpose of inspecting the condition of the pipes and fixtures, the manner of water usage and reading water meter. Water users shall keep their premises adjacent to the water meter free of any material that would prevent meter access. In the event that the water meter is

not accessible due to accumulation of debris or other causes, water service may be disconnected and not reconnected until inspection is permitted. (Ord. 776 § 5, 1981)

#### **13.12.035 Defacing service equipment.**

It is unlawful for any person to break, deface or damage any water meters, gate, pipe or water fixture or interfere with proper operation of any portion of the city water system. It is unlawful for any person to disconnect or remove any meter after installation unless the removal or disconnection is approved by the city. (Ord. 776 § 6, 1981)

#### **13.12.040 Meters property of city.**

All water meters shall be the property of the city and may be installed or removed only upon direction of the utilities superintendent. (Ord. 776 § 7, 1981)

#### **13.12.050 Repair of service pipes—Owner's responsibility.**

The service pipe past the meter must be kept in repair by the owner, who shall repair any leaks promptly and shall be responsible for damages resulting from leaks or breaks. (Ord. 776 § 8, 1981)

#### **13.12.060 Extension of water mains.**

All persons desiring water main extensions maintained by the city shall be charged actual cost of materials, labor, equipment, benefits and overhead costs plus ten percent. (Ord. 776 § 9, 1981)

#### **13.12.070 Existing hookups.**

Water users hooked up prior to January 1st shall be allowed to use flat-rate monthly charges in lieu of metering. Upon any disruption or discontinuation of service metering may be required at the discretion of the city prior to reinstating service. Service lines from property lines to city mains shall be maintained by the city water department who will use all diligence to prevent interruption of water service, but the city shall not be responsible for temporary water interruption due to breakage or freezing. (Ord. 776 § 10, 1981)

**13.12.080 Collection of charges.**

Water rates will be charged to customers on a monthly basis, and bills shall be payable upon receipt. Charges unpaid after thirty days shall incur interest penalty at the highest rate then permitted by law. The city shall have a lien on delinquent and unpaid charges for water, enforceable as provided by law. Whenever a city water customer is over sixty days delinquent in payment of its water bill, then the city shall undertake all acts necessary to disconnect service to that customer. The sixty days provided for in this section shall be calculated from the date that the bill is due, provided, however, that at least ten calendar days prior to the date on which the city intends to disconnect service, the city shall forward to the customer a notice advising of the city's intent to disconnect service for nonpayment. Any notice sent to a customer advising of the intent to disconnect service shall inform the customer that in addition to the outstanding bill that would have to be paid in order to restore water service following disconnection, the customer will be charged a one hundred dollars connection fee in order to reconnect service. The same notice shall also advise the customer of the right to contest the validity of the bill, as well as the date on which payment must be made in order to avoid disconnection of service. Any writing which is forwarded to the customer shall contain a copy of the delinquent bill. (Ord. 1122 § 1, 2000: Ord. 776 § 11, 1981)

(Ord. No. 1312, § 1, 3-10-2009)

**13.12.090 Auxiliary potable services.**

Auxiliary potable services is the consumption of water that does not impact the sewer system in any manner. This includes, but is not limited to, irrigating and ice manufacturing. Any city water customer may elect to install a separate meter for an auxiliary potable service. The size of the meter will be at the user's discretion. The expense of the installation, meter and meter box will be the sole responsibility of the customer and work must be performed by a city approved licensed and bonded contractor. If an existing system currently does not have a double check valve, one will be required.

The customer will receive a separate billing statement for the auxiliary meter. Auxiliary meters will be billed at a base rate of ten dollars per month, which includes the first one thousand two hundred cubic feet of water. Additional water usage will be billed at the existing incremental rates as described in Chapter 13.12.100, Section C of the Cle Elum Municipal Code.

Meters used for irrigation only will have a customer installed shut-off valve at the meter to be turned off during the winter months and shall not be billed the standby rate during the months of November 1<sup>st</sup> through April 30<sup>th</sup>, unless the customer turns on and uses the meters at any time during those months. Irrigation season is designated as May 1<sup>st</sup> through October 31<sup>st</sup>. There will be no administrative fee to turn the meter on in the spring and off in the fall if the customer chooses, but the city will not be responsible for system damage due to freezing. However, the meter will remain turned on during irrigation season and the base rate billed, regardless of use. (Ord. 776 § 12, 1981)

(Ord. No. 1312, § 2, 3-10-2009)

**13.12.100 Rates and charges.**

The city council may alter water rates and charges as set forth herein in the manner provided by law. The monthly rates and charges effective December 31, 2008, shall be as follows:

A. The following base rates apply to all metered and non-metered hookups. All new or replacements hookups irrespective of size must be metered. All classifications set forth in subsection B of this section which have metered connections shall pay meter rates.

**B. Flat Rates.**

Flat Rates	Line Size	Year 2009
Single Premises	3/4" line	\$32.44 plus \$5.70 water reserve
Business	3/4" line	\$32.44 plus \$5.70 water reserve

Flat Rates	Line Size	Year 2009
Commercial & Residential	1" line	\$59.12 plus \$5.70 water reserve
Commercial & Residential	1½" line	\$120.10 plus \$5.70 water reserve
Commercial & Residential	2" line	\$196.34 plus \$5.70 water reserve
Commercial & Residential	3" line	\$196.34 plus \$5.70 water reserve

C. **Meter Rates—Within City Limits.** All rates in cubic feet. One cubic foot equals seven and one-half gallons.

Cubic Feet	Rate
1—1,200	Base rate for water line size
1,201—2,000	\$0.010 per cubic foot
2,001—4,000	\$0.012 per cubic foot
4,001 and over	\$0.014 per cubic foot

D. **Meter Rates—Outside City Limits** (all hookups must be metered).

Cubic Feet	Line Size	Rate
0—1,200	¾" line	\$35.59 plus \$5.70 water reserve
1,201—2,000		\$0.010 per cubic foot
2,000—2,000		\$0.012 per cubic foot
2,001 and over		\$0.014 per cubic foot

E. **Stand-by Rates.** Stand-by rates shall be identical to rates and charges set forth in paragraphs A, B, C and D above. Base rates are charged regardless of no water usage.

F. **Water Connection Charges.**

Hookup	¾" Line	\$2,000.00
Hookup	1" Line	\$2,500.00
Hookup	1½" Line	\$3,000.00
Hookup	2" Line	\$3,500.00
Hookup	3" Line	\$3,500.00

There shall be no waterline hookups outside the city limits of the city of Cle Elum without permission of the city council.

G. The base rates enumerated in subsection B above, and the base rates enumerated in subsections C and D above can be increased by two and one-half percent on December 31, 2009 and every year thereafter.

H. An administrative transfer fee of thirty dollars shall be charged to the purchaser of any home within the city of Cle Elum. (Ord. 1260 §§ 1, 2, 2006; Ord. 1224 § 1, 2004; amended during 9-04 supplement; Ord. 1202 § 1, 2003) (Ord. No. 1300, § 1, 12-9-2008; Ord. No. 1312, § 3, 3-10-2009)

### 13.12.105 Reinstitution charge.

A. As used in this section, "existing water connection" means any premises having a connection to the city water system, whether or not water is currently being furnished to such premises.

B. The city council has determined that there may be existing water connections for which the owner or a predecessor in interest to the owner has paid a connection charge for which premises no service charges have been paid as a result of the premises having voluntarily not utilized city water service. City water service will be reinstituted to the premises upon payment of the following amounts:

1. Monthly city water service charges from the date of interruption of water service or from October 1, 1992, whichever amount shall be lesser, together with a late fee of fifteen percent of the amount;

2. Actual costs incurred in reestablishing service, i.e., city crew, backhoe, and other actual expenses incurred in reestablishing service, together with fifteen percent of the amount representing city overhead;

3. Charges for acquisition and installation of a water meter to the premises, if the premises does not already have a water meter, together with fifteen percent representing city overhead.

C. The applicant must pay to the city at the time of application for renewed service an estimate of the amounts set forth above, which estimate shall be determined by the city clerk. Any amounts deposited in excess of actual costs of installation and reconnection together with city overhead shall be refunded to the applicant. In the event that actual cost of reconnection exceeds estimate, the applicant will be required to pay the difference prior to initiation of water service. (Ord. 975 §§ 1, 2, 1992)

#### **13.12.110 Defective equipment.**

A. Water will not be furnished where there are defective or leaking faucets or other water fixtures, and when such may be discovered, the supply will be withdrawn until proper repairs are made at property owner's sole expense.

B. If any person allows any faucet or pipe to run open, not irrigating or sprinkling, he shall be in violation of this chapter. In addition to other penalties prescribed by this chapter, water shall be immediately turned off from the premises and will not be again restored until the penalties are paid. (Ord. 776 § 14, 1981)

#### **13.12.115 Petition for and relief from water bill.**

In the event any person is aggrieved by the amount of one hundred dollars or more in excess of the amount billed for monthly water service, he or she may, within fifteen days of the postmark on said bill, petition the city council in writing to the utilities clerk for a downward adjustment to his or her bill. Upon receipt of such petition, the utilities clerk shall notify the public works director and the utilities committee and schedule a meeting to consider the petition for downward adjustment. The utilities committee may consult with the city public works director or his designee regarding the matter and shall, upon deliberation and oral findings following the meeting make a recommendation to the entire city council to grant a downward adjustment only upon good cause shown. No downward adjustment will be considered for leaks

within the primary residential or commercial building, however, adjustment for leaks within crawl spaces may be considered on a case by case basis. Any bill granted a downward adjustment by the city council shall not exceed five hundred dollars in relief and shall be presented to the mayor for his signature on the face thereof. Notice of the reduction shall be provided in writing by the city to the customer. No ratepayer may petition the city council more than one time per twelve-month period for such a downward adjustment. (Ord. 1158 § 1, 2001; Ord. 1122 § 2, 2000) (Ord. No. 1312, § 4, 3-10-2009)

#### **13.12.120 Turning off water and making connections—Written permission required.**

No person will be allowed to make any connection with the city main or to connect pipes when they have been disconnected or to turn off the water on any premises without written permission from the utilities superintendent. (Ord. 776 § 15, 1981)

#### **13.12.130 Access for purpose of inspection.**

Officers and employees of the city water department shall have free access at proper hours of the day to all parts of buildings in which water may be delivered from the city mains, for the purpose of inspecting the condition of pipes and fixtures, and the manner in which the water is used. (Ord. 776 § 16, 1981)

#### **13.12.140 Water accounts kept in property owner's name.**

All accounts for water shall be kept in the name of the owner of the property, not in the name of the tenant, and the owner only, or his legally authorized agent, shall be responsible for water rates. (Ord. 776 § 17, 1981)

#### **13.12.150 Water shortages—City's rights in case of.**

The city reserves the right in case of shortage of water, or for any other cause, to make any order

forbidding the use of water for irrigation or sprinkling, and the use thereof in contravention of the order shall be a violation of this chapter. (Ord. 776 § 18, 1981)

**13.12.160 Water use during fires.**

No person shall use any water for irrigation or sprinkling during the progress of any fire in the city and all irrigation and sprinkling shall be immediately stopped when an alarm of fire is sounded in any part of the city, and shall not begin again until the fire has been extinguished. Use of water in violation of this section is a violation of this chapter. (Ord. 776 § 19, 1981)

**13.12.170 Regulation of water use by meter installation.**

The city reserves the right to regulate the use of water to any consumer by requiring the installation of a meter. (Ord. 776 § 21, 1981)

**13.12.180 Amendment of rules and regulations.**

The right is reserved to the city to amend or add to these rules and regulations or to change the water rates as experience may show to be necessary or expedient. (Ord. 776 § 22, 1981)

**13.12.190 Open hoses and sprinkler head provisions.**

No water user shall permit open hoses to be allowed to run at any time. No sprinkler head shall apply water through an orifice larger than three-eighths inch and no water user shall utilize more than two sprinkler heads at any one time. (Ord. 776 § 24, 1981)

**13.12.200 Low income senior citizens—  
Reduced rates.**

Low income senior citizens (being a person sixty-two years of age or older and whose total income, including that of his or her spouse or co-tenant, does not exceed the amount specified in RCW 84.36.381(5)(b), as now existing or hereafter amended) shall upon application be entitled to

one reduced residential water rate which rate shall be seventy-five percent of the rates otherwise set forth in Section 13.12.100. (Ord. 776 § 25, 1981)

**13.12.210 Violation—Penalty.**

For each and every violation of the rules and regulations established by this chapter, the offending party shall be subject to a fine, not to exceed five hundred dollars. When the offense is one that relates to plumbing, leakage or other illegal use or waste of water, the utilities superintendent may stop the supply of water to the offender. When the water has been turned off for a violation of the rules, the city may withhold water usage until all penalties have been paid. (Ord. 776 § 20, 1981)

## Chapter 13.14

### WATER SUPPLY SYSTEM CAPITAL REIMBURSEMENT CHARGE

#### Sections:

##### 13.14.010 Purpose.

##### 13.14.020 Water capital reimbursement fees required.

##### 13.14.030 Capital reimbursement charge.

##### 13.14.040 Schedule of equivalent residential units.

##### 13.14.050 Independent ERU calculation.

##### 13.14.060 Appeals.

##### 13.14.010 Purpose.

The purpose of this chapter is to establish a charge for new connections to the city water supply system that proportionately allocates the cost of water system improvements to those new customers that use the system. (Ord. 1181, § 1, 2002)

##### 13.14.020 Water capital reimbursement fees required.

All new or increased connections to the water supply system shall be required to pay the capital reimbursement charge prior to connection to the system in addition to the connection fees established by CEMC 13.12 except for a single equivalent residential unit (ERU) connection on existing lots within the city limits which were platted before January 1, 2001. City limits shall be corporate limits of the city as of January 1, 2001. Connections on these lots that are more than one ERU are subject to the charge for all ERUs over the initial ERU. (Ord. 1181, § 1, 2002)

##### 13.14.030 Capital reimbursement charge.

The capital reimbursement charge is established as one thousand five hundred sixty-five dollars for each equivalent residential unit. The charge shall be payable prior to building permit issuance or if no permit is required, prior to physical connection to the system. (Ord. 1181, § 1, 2002)

##### 13.14.040 Schedule of equivalent residential units.

The number of ERUs for each connection shall be based on the following table which is based on the average water use in the city of Cle Elum and Table 5-2 of the Water System Design Manual, WA. State Dept. of Health. The minimum ERU value, for purposes of determining charges is one ERU.

Type of Use	ERU
Single-family residence	1
Apartment	.90 per unit
Camp/RV park	.30 per site
Industrial/warehouse- Employee use	.10 per employee per shift
Factory - Process water	To be determined by engineers estimate.
Hotel/motel	.25 per room
Restaurant/drinking places	.08 per seat
Store (less than 10,000 sq. ft.)	1 per toilet room
Store (greater than 10,000 sq. ft)	To be determined by engineers estimate
Service Station	
•No service bays	.10 per pumping station
•With service bays	.05 add on per bay
•With wash bays	Additional charge based on engineers estimate
Swimming pool	.04 per pool occupant based on occupancy
Movie theatre	.02 per seat
Office	.06 per person based on building occupancy load.
All other uses	To be determined by engineers estimate

(Ord. 1181, § 1, 2002)

##### 13.14.050 Independent ERU calculation.

Where a specific use is not listed or does not clearly meet the categories provided for in Section 13.14.040 an applicant for water connection may submit an independent calculation from which an ERU rate may be calculated. The independent calculation shall be completed by an engineer licensed and registered in the State of Washington

with expertise in water use. The director of public works shall review the independent calculation and approve the calculation if it is consistent with accepted engineering practices. (Ord. 1181, § 1, 2002)

#### **13.14.060 Appeals.**

A decision of the director of public works under this ordinance may be appealed to the city council as provided for in CEMC 17.100.130. (Ord. 1181, § 1, 2002)

## **Chapter 13.16**

### **PRESERVATION AND PROTECTION OF WATER SUPPLY**

#### **Sections:**

#### **13.16.010 Sources of water.**

#### **13.16.020 Prohibited acts.**

#### **13.16.030 Violation—Designated.**

#### **13.16.040 Violation—Arrest powers.**

#### **13.16.050 Violation—Penalty.**

#### **13.16.010 Sources of water.**

For the purpose of protecting the water supply furnished to the inhabitants of the city from pollution, and for the preservation and protection of the purity of the water supply, the city assumes jurisdiction over all the property occupied by the works, reservoirs, systems, springs, branches and pipes by means of tributaries constituting the sources of supply from which the city obtains its supply of water, and over all streams, creeks or tributaries constituting such sources of supply, whether the same or any part thereof are within the corporate limits of the city or outside thereof. (Ord. 237 § 1, 1925)

#### **13.16.020 Prohibited acts.**

The following acts shall constitute offense against the purity of the water supply: swimming, fishing, and boating in Cle Elum Lake; dumping raw sewage into any lake, river, spring, stream, creek or tributary constituting the source of supply of water of the city, or camping on the shores of the streams, lakes, etc. No dwelling shall be constructed or maintained on the watershed, unless the dwelling is provided with a sanitary toilet so designed and so kept that the contents of the toilet cannot drain on the surface of the ground or reach the water through the ground. (Ord. 237 § 2, 1925)

#### **13.16.030 Violation—Designated.**

Every person who deposits or causes to be deposited in any spring, stream, river or lake con-

stituting the source of supply from which the city obtains its supply of water, any matter or thing whatever, dangerous or deleterious to health, or any matter or thing which may or would pollute the waters of the spring, stream, river, lake or water system, is deemed guilty of violation of this chapter. (Ord. 237 § 3, 1925)

#### **13.16.040 Violation—Arrest powers.**

The mayor of the city is authorized to appoint special policemen with such compensation as the city council may fix, who shall have powers of a constable under the laws of this state, and who may arrest with, or without, warrant, any person committing within the territory provided by this chapter, any offense declared by this chapter to be against the purity of the water supply, or any rule or regulation as provided in this chapter. Such policeman shall be and he is hereby authorized to forthwith take any such person arrested for such violation aforesaid before any court having jurisdiction thereof to be proceeded with according to law. (Ord. 237 § 4, 1925)

#### **13.16.050 Violation—Penalty.**

Any person or persons, firm or corporation violating any of the provisions of this chapter shall, upon conviction, be punished by a fine of not less than twenty-five dollars, nor exceeding three hundred dollars, or by imprisonment for a period not exceeding thirty days, or by both such fine and imprisonment. (Ord. 237 § 5, 1925)

## **Chapter 13.20**

### **WATER CONNECTION AND WATER TRANSFER REQUIREMENTS\***

#### **Sections:**

#### **13.20.010 Applicability.**

#### **13.20.020 Purpose and intent.**

#### **13.20.030 Conditions for providing utility service outside the city.**

#### **13.20.040 Hookup fees, connection charges and other conditions.**

#### **13.20.050 Types of water rights.**

#### **13.20.060 Annexations.**

#### **13.20.070 Amount of water and payment in lieu.**

#### **13.20.080 Payments received by the city.**

#### **13.20.090 Form of transfer and conveyance of water right.**

#### **13.20.100 Severability.**

#### **13.20.010 Applicability.**

This chapter applies to all annexations of land (other than for municipal purposes) to the city greater than two acres approved after the adoption of this chapter. This chapter does not apply to annexations or development agreements in place prior to its approval.

(Ord. No. 1294, § 2, 10-14-2008)

#### **13.20.020 Purpose and intent.**

The purpose of this chapter is to ensure that, as new connections to the city water system are approved, either through connections to redevelopment or in-fill development within existing city boundaries, or connections to new development on land annexed to the city, there is adequate water to serve the city's water needs including without limitation, service to residential, commer-

\*Editor's note—Ord. No. 1294, § 2, adopted Oct. 14, 2008, amended Ch. 13.20 in its entirety to read as herein set out. Former Ch. 13.20, §§ 13.20.010—13.20.050, pertained to water connection and fire protection charges outside city limits and derived from Ord. 547, §§ 1—5, 1959.



cial, industrial and public spaces, while supporting these commitments through policies that conserve water.

The general intent in the application of this chapter will be to permit two options for those that desire water delivery by the city. The options are listed below in order of the city's preference:

1. Transfer to the city a water right in an amount equal to or greater than the amount required to serve the subject property; or

2. Transfer to the city a water right in an amount less than the amount required to serve the subject property and make payment to the city in an amount sufficient to permit it to acquire the amount of water additionally required to assure service to the subject property.

(Ord. No. 1294, § 2, 10-14-2008)

### **13.20.030 Conditions for providing utility service outside the city.**

For purposes of any application for annexation into the city or any application for water or sewer services or other municipal utility service, the city may extend service only upon satisfaction of the city's engineer and city council that the following standards have been met:

A. No connection shall be made to any applicant qualifying property or improvement, its heirs, successors and assigns, until and unless adequate safeguards have been made and accepted by the city to adequately defend, indemnify and hold the city harmless from and against any liability, appeals, judicial review, complaints, writs of review and other extraordinary or equitable relief, including reimbursement for any costs, fees, expert fees, expenses for any related legal, judicial, agency, administrative or appellate action(s) related to or arising out of such application or attempted transfer of water rights to the city.

B. Any connection of the city's water or sewer service to property located outside the city's corporate boundaries, and any transfer to the city of such water rights shall be permitted only upon the execution of forms prepared by the city which include but are not limited to: the execution of a

perpetual and appurtenant no-protest annexation agreement, a no-protest local improvement agreement, a no-protest utility local improvement district agreement, and/or developer's extension agreement. The city expressly reserves its right to condition utility service upon the execution of any or all of these agreements upon terms and conditions as are determined to be necessary by the city council and city engineer.

C. Any transfer to the city may be further conditioned under the State Environmental Policy Act ("SEPA"), implementing SEPA regulations, Cle Elum Municipal Code Chapter 15.28, as may now exist or which may hereinafter be amended, adopted SEPA policies, developer agreements under RCW 36.70B.170, the requirements of interlocal agreements with Kittitas County, special purposes districts, or municipalities, or landowner agreements entered into under RCW Chapters 35.91 and 35.92.

D. Agreements with landowners and the city for purposes of siting or acquisition of properties for municipal facilities under RCW Chapters 35.91 and 35.92 may contain different terms and conditions than provided in this chapter.  
(Ord. No. 1294, § 2, 10-14-2008)

### **13.20.040 Hookup fees, connection charges and other conditions.**

Connection to properties outside of the city's municipal boundaries is discretionary. No water connection to any lot or parcel containing an improved structure may be made to persons or property outside the city limits or current service boundaries without first having executed either a developers extension agreement, annexation agreement or no-protest annexation agreement as determined by the city council. Fees and charges shall be no less than fees and charges or other conditions for applicable hookup and service within the city as currently exist or as may hereinafter exist in the future. The city may provide for different terms and conditions for the owners of any properties upon which it locates or seeks to locate any municipal utility facilities for purposes of Sec-

tion 13.20.030 and this section for purposes of acceptance of water supplies into the city's supply system through utility/landowner agreements, development agreements, interlocal agreements with Kittitas County and other jurisdictions, no-protest annexation agreements, or developer extension agreements. To the extent permitted by law, the city may impose surcharges and rates different from those charged to classes of customers located within the city's boundaries; provided that, these rates, conditions, and charges are reasonably related to the cost and system impact of extending service requested by the owner of real property or lawful occupant, maintaining system capacity and operational reliability, maintenance, improvements, repairs, storage, pressure zone requirements and fire flow capability, and other factors determined to be reasonable and necessary by the city council. Any customer granted water under these terms and conditions shall also be subject to mandatory city water conservation programs, including but not limited to conservation surcharges, conservation devices and equipment, time of use restrictions, and increased rates for usage above adopted rates by the city.  
(Ord. No. 1294, § 2, 10-14-2008)

### **13.20.050 Types of water rights.**

The various types of water rights subject to this chapter include, but are not necessarily limited to, the following: Permits, certificates, and claims issued by or on file with the Washington State Department of Ecology, or any of its predecessors. The city may consider senior seasonal irrigation rights for their adequacy. The adequacy of any proposed water right shall be determined by the mayor based on written analysis by the city engineer and the city's legal counsel. The mayor's decision shall be final, and shall be based on factors including but not limited to the following:

1. Annual volume of water rights equal to or exceeding the maximum annual water demand volume of the proposed annexation;
2. Instantaneous rate of water right equals or exceeds one hundred twenty-five percent of the

maximum daily water demand volume of proposed annexation divided by one thousand four hundred forty minutes per day;

3. Seniority of water right relative to US Water rights for the Yakima Project (1905);

4. Legal status of the water right, e.g. status in *DOE v. James J. Acquavella*, Yakima County Cause No. 77-2-01484-5;

5. Consideration of any condition or limitations of use applicable to the water right, e.g., interruption or curtailment of use due to stream flow conditions;

6. Physical availability of water at water right's original or previous point of diversion;

7. Seasonal limitations on water right relative to the seasonal water demand of the proposed annexation;

8. Ability to change water right to city's existing point(s) of diversion, for use in the city's water service area, and to municipal water supply purposes with governmental approval on satisfactory terms and conditions (water right "transfer");

9. Comments of Department of Ecology, Bureau of Reclamation or other entities about the water right; and

10. Clear ownership of the water right and ability to convey clear title and ownership to the city.

(Ord. No. 1294, § 2, 10-14-2008)

### **13.20.060 Annexations.**

A. Requirement for Transfer and Conveyance of Water Rights. Prior to approval of any annexation subject to this chapter, a property owner(s) who has petitioned for annexation shall transfer and convey water rights in the full amount deemed necessary to serve the property proposed for annexation based on the city's equivalent residential unit calculation, as provided in Section 13.20.070.B, below.

B. Annexation/Development Agreement. As an alternative to the transfer and conveyance of water rights as set forth in Section 13.20.060.A above, and at the election of the city, the property owner(s) and the city may enter into an annexation/

development agreement, in which the city may: waive the requirement for transfer and conveyance of the full amount of water rights necessary to serve the property proposed for annexation where the property owner(s) agrees to make payments pursuant to Section 13.20.070 below in lieu of transfer and conveyance of water rights; limit total water usage on the property; implement conservation measures; and/or provide such other consideration to the city as determined by the city council. The city and the property owner(s) may also enter into an agreement, at the election of the city, to delay the transfer and conveyance to the city of the water rights associated with the subject property until such future point in time as the city determines appropriate, for the purpose of accommodating potential delays encountered in the transfer process or to accommodate continued use of water rights associated with uses in existence at the time of annexation and anticipated to continue until further development of the subject property occurs. In determining whether to waive or delay the requirement for transfer and conveyance of the full amount of water needed by the property proposed for annexation, the city shall consider factors including but not limited to the following:

1. The amount of water available within the city's water system for other new development, redevelopment, and/or annexations;
2. Prevailing and projected environmental conditions affecting the amount of the city's water supply, including snowpack, precipitation, drought, temperature, and ocean current patterns (including La Nina or La Nino systems);
3. Prevailing and projected rates of new development and annexation within the city and Kittitas County;
4. The availability of existing water rights for purchase and the legal and environmental potential for new water rights by the city; and
5. Potential tax revenue or other public benefits to be provided by proposed development associated with a proposed annexation.

As part of any such alternative Annexation/Development Agreement, the city may require the property owner(s) to:

1. Acquire adequate water rights and transfer and convey the same to the city;
  2. Deposit an amount into the city water fund equal to the payment in lieu of transfer provided in Section 13.20.070, which sum is refundable to the extent of the successful transfer of the water rights; and/or
  3. Submit and diligently pursue approval of the water right transfer and conveyance at the expense of the property owner(s).
- (Ord. No. 1294, § 2, 10-14-2008)

#### **13.20.070 Amount of water and payment in lieu.**

**A. Amount of Water Available.** The city shall have discretion to determine the amount of water available in the city water system, and to evaluate and prioritize all applications for municipal water delivery.

**B. Water Use Determination.** The water needed by development associated with property proposed to be developed, redeveloped, and/or annexed to the city shall be calculated in equivalent residential units ("ERUs"). The ERU calculation shall be based upon the city's development regulations in effect at the time the petition for annexation is submitted. The property owner(s) shall submit to the city a proposed ERU calculation based on the proposed development. The city engineer shall review the ERU calculation and make a recommendation to the mayor, who shall issue a water use determination, stating the amount of water rights to be transferred to the city. The mayor's decision, which shall be final, shall be communicated in writing to the property owner(s) within twenty days of the city council's acceptance of the petition for annexation.

In the calculation of the amount of water rights that must be transferred to the city, credit shall be provided for any existing and previously approved connections to the city's municipal water system that are currently in use on the subject

property. In addition, if the owners of property subject to an annexation request have an exempt well or wells and desire to transfer the water rights associated with said wells, as currently provided for in RCW 90.44.105, then credit shall also be provided for the water use associated with said wells to the extent the water rights associated with the wells are transferred to the city.

C. **Excess Water Rights.** To the extent the water rights associated with the subject property exceed the anticipated water usage for the subject property as determined pursuant to subsection B above, the city in its sole discretion may negotiate an agreement with the property owner(s) to:

1. Provide for the owner(s) of the subject property to transfer and convey any amount of the excess water rights to the city, in which event the city shall pay to the property owner(s) an amount representing the then current market value of the excess rights, based on the cost per ERU stated in subsection D below; or

2. Allow said owner to transfer and convey the excess water rights to the city in exchange for credits to be applied to other property owned by said owner within the city's existing Urban Growth Area.

In the event the city acquires the excess water rights pursuant to subsection C.1 or C.2 above, the transfer of excess water rights will be processed simultaneously with and as part of the transfer process outlined in Section 13.20.090.

D. **Payment in Lieu.** In the event that the city determines through an annexation or development agreement pursuant to Section 13.20.060 above that the owners of property being annexed to the city may transfer and convey less than one hundred percent of the water required to serve the property proposed to be annexed, or in the event that the amount of water rights associated with property proposed to be annexed and successfully transferred to the city is less than the city engineer determines to be sufficient to serve the estimated ERUs of anticipated water usage for the subject property, the owner(s) of the subject property shall pay to the city three thousand five hundred dollars

per ERU of anticipated water usage of the subject property, less a credit for the number of ERUs of water rights successfully transferred and conveyed to the city. The city shall evaluate the cost per ERU every two years from the date of adoption of this ordinance and adjust the amount accordingly. Payment shall be made prior to the city's adoption of an ordinance annexing the subject property, at the rate per ERU in effect at the time of the annexation.

E. **Payment of Costs.** The owner(s) of property subject to the application of the provisions of this chapter shall pay the city for all costs associated with the city's determination of the anticipated water usage for the subject property, determination of the adequacy of any proposed water right, and support or participation in a proceeding regarding a property owner's water transfer application. The term "costs" as used in this subsection shall include, but are not limited to, city staff time, engineering fees, attorneys fees, application fees, Kittitas County Water Conservancy Board Fees, publication fees, and any other fees or charges associated with processing and recording the transfer and acquisition of water rights.

F. **Commitment by City.** Nothing herein precludes the city from making commitments to provide municipal water service as part of an annexation or development agreement in which the owner of property subject to the annexation makes payment to the city as required in subsection d above.

G. **Remedies.** In the event a certificate of water availability or building permit is denied solely because of water unavailability and the property for which said certificate or building permit is sought was previously subject to the provisions of this chapter resulting in the transfer and conveyance of water rights and/or payment in lieu thereof to the city, then the property owner(s), as the sole and exclusive remedy, shall receive a payment equal to the amount paid to the city for the remaining anticipated water usage of the subject property pursuant to subsections B and D above, minus a ten percent administrative fee and without interest from the date of the original application unless

otherwise required by then-applicable law. The property owner(s) shall repay this payment to the city as a condition of subsequent issuance of a certificate of water availability and/or building permit.

H. Appeal. Any determination by the mayor pursuant to this chapter may be appealed by filing an appeal in the Kittitas County Superior Court within twenty-one calendar days of the date of the final decision.

(Ord. No. 1294, § 2, 10-14-2008)

#### **13.20.080 Payments received by the city.**

All money paid to the city pursuant to this chapter shall be paid to the city water fund. All money paid to the city pursuant to this chapter shall be used by the city water utility for any or all purposes permitted by the laws of the State of Washington, including but not limited to purchase of available water rights, processing of applications for new water rights to be added to the city domestic water utility system, the financing of water conservation, and the maintenance and replacement of equipment and existing system components that have the effect of increasing the city's available water supply.

(Ord. No. 1294, § 2, 10-14-2008)

#### **13.20.090 Form of transfer and conveyance of water right.**

The transfer of water rights pursuant to this chapter shall be in such forms as may be approved by the city. Owners of property transferring water rights pursuant to this chapter shall execute all documents required by the city and/or any other governmental entity that may be necessary to achieve the purposes of this chapter. Those documents may include, but are not limited to, application(s) to change in point of diversion, change in place of use, change in purpose of use, and any other documents or forms.

For a water right transfer to be completed, the water right transfer (as defined in 13.20.050(8)) must ultimately be approved by the Department of Ecology and all appeal periods must have ex-

pired without challenge (or any appeals must successfully be resolved). In the event of an appeal or an adverse decision, the city may elect but is not required to litigate the appeal, challenge the adverse decision, or abandon the proposed water right transfer. Any development, annexation or other agreement that provides for a water right transfer to the city shall also provide for the possible appeal of a transfer decision and for the payment of costs of appeal.

Upon completion of the water right transfer, the property owner(s) shall convey the water right to the city by Statutory Warranty Deed or other appropriate conveyance instrument, as determined by the city; provided, however, that the actual conveyance may be delayed, at the city's election, to coincide with the city's approval of the petition for annexation described in this chapter, or as otherwise set forth in an agreement between the property owner(s) and the city.

(Ord. No. 1294, § 2, 10-14-2008)

#### **13.20.100 Severability.**

If any section, subsection, paragraph, sentence, clause or phrase of this chapter or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter or its application to any other person or situation.

(Ord. No. 1294, § 2, 10-14-2008)

## **Chapter 13.24**

### **FILLING OR OBSTRUCTION OF SURFACE DRAINS**

#### **Sections:**

#### **13.24.010 Nuisance.**

#### **13.24.020 Permit required.**

#### **13.24.030 Culvert installation or obstruction removal.**

#### **13.24.040 City reopening.**

#### **13.24.050 Violation—Penalty.**

#### **13.24.010 Nuisance.**

The city drainage system consists of underground drains, commonly called storm sewers, and surface drains which are commonly called open ditch drains. These are essential for the preservation of life, health and property. The filling in or obstruction of surface drains by any person, and the continuance of such fill or obstruction, without first obtaining a permit from the city is declared to be a nuisance. (Ord. 556 § 1, 1960)

#### **13.24.020 Permit required.**

No surface drain shall be filled in by any person, either in whole or in part, unless such person first obtains a permit therefor, and unless there is installed in the fill or obstruction a culvert pipe, the size, strength, construction and grade of which must be adequate to carry the flow of surface waters in the drain and protect the public against cave-in, collapse and rapid deterioration. Upon the making of application to the city clerk for a permit, these factors must first be investigated by the city engineer, or street and water superintendent, or such other qualified person as the city council designates. The investigator shall report his findings to the council, which shall consider them in determining whether or not a permit shall issue. If a permit is issued, the culvert specifications shall be set out therein. (Ord. 556 § 2, 1960)

#### **13.24.030 Culvert installation or obstruction removal.**

If any surface drain in the city has already been obstructed or filled in, either in whole or in

part, by any person, whether the fill is made for driveway, sidewalk, entrance, or otherwise, the abutting property owner shall forthwith apply to the city clerk for a permit to install a culvert pipe therein, and shall install therein a culvert pipe meeting such reasonable specifications as the council shall require in the permit, or in lieu thereof shall reopen the drain and remove the fill or obstruction. The application shall be investigated and a report of findings made, as set out in Section 13.24.020. The installation of the culvert pipe, if a permit issues, or the removal of the fill or obstruction in lieu thereof if the permit either issues or is denied, shall be done in not less than ten nor more than thirty days after issuance or denial of the permit, as the case may be. (Ord. 556 § 3, 1960)

#### **13.24.040 City reopening.**

If the abutting property owner fails to make such application or in lieu thereof to reopen the drain and remove the fill or obstruction as provided in Section 13.24.030 within thirty days after passage of the ordinance codified in this chapter, the city shall reopen the drain and remove the fill and the abutting property owner shall be required to reimburse the city for the expense incurred. (Ord. 556 § 4, 1960)

#### **13.24.050 Violation—Penalty.**

Any person violating any of the provisions of this chapter may, upon conviction thereof, be fined not to exceed two hundred and fifty dollars or imprisoned in the city jail not to exceed thirty days, or both. (Ord. 556 § 5, 1960)

## Chapter 13.32

### UTILITY REIMBURSEMENT AGREEMENTS

#### Sections:

- 13.32.010 Purpose.**
- 13.32.020 Definitions.**
- 13.32.030 Minimum project size.**
- 13.32.040 Application.**
- 13.32.050 Length of reimbursement provision.**
- 13.32.060 Public works director's determination—Review by city council.**
- 13.32.070 Determination of reimbursement area boundary and reimbursement fee.**
- 13.32.090 Reimbursement agreement must be recorded.**
- 13.32.100 Written agreement—Payment of city costs in excess of application fee.**
- 13.32.110 Construction and acceptance of improvements—Recording of final fees.**
- 13.32.120 Collection of reimbursement fees—No liability for failure to collect.**
- 13.32.130 Disposition of undeliverable reimbursement fees.**

#### **13.32.010 Purpose.**

The purpose of this chapter is to prescribe rules and regulations for exercise of the authority to enter into a utility reimbursement agreement granted to the city by RCW Chapter 35.91. (Ord. 1177, § 1, 2002)

#### **13.32.020 Definitions.**

As used in this chapter, the terms listed below shall be defined as follows:

"Cost of construction" means those costs (excluding interest charges or other financing costs)

incurred for design, acquisition for right-of-way and or easements, construction, materials and installation required in order to create an improvement which complies with city standards.

"Director" means the public works director or his/her designated representative.

"Reimbursement agreement" means a written contract between the city and one or more parties providing both for construction of sewer facilities and for reimbursement to the party or parties constructing the facilities for part of the costs of the facilities by owners of property benefited by the improvements.

"Water or sewer facilities" shall have the meaning specified in RCW 35.91.020 as it now reads, or as hereafter amended. (Ord. 1177, § 1, 2002)

#### **13.32.030 Minimum project size.**

To be eligible for a reimbursement agreement, the estimated cost of the proposed improvement must be not less than five thousand dollars. The estimated costs of the improvement shall be determined by the public works director, based upon a construction contract for the project, bids, engineering or architectural estimates or other information deemed by the public works director to be a reliable basis for estimating costs. The determination of the public works director shall be final. (Ord. 1177, § 1, 2002)

#### **13.32.040 Application.**

An application for reimbursement agreement shall be made on a form provided by the city. The application fee shall be set by council resolution and shall be submitted to the city with the written application and shall be accompanied by:

A. Preliminary utility design drawings:

B. Itemized estimate of construction costs prepared and signed by a licensed civil engineer or in the form of a bid submitted by a qualified contractor (if more than one bid has been obtained, all bids must be submitted to the city);

C. A scaled vicinity drawing, stamped by a licensed civil engineer or licensed land surveyor depicting the proposed improvements, the loca-

tion, the proposed benefited area, dimensions and county assessor's numbers for each tax parcel, size of parcels, and evaluations where necessary for determining benefits;

D. A separate legal description for each tax parcel within the benefited area; and

E. Such other information as the public works director determines is necessary to properly review the application. (Ord. 1177, § 1, 2002)

#### **13.32.050 Length of reimbursement provision.**

No reimbursement agreement shall provide for reimbursement for a period of not longer than fifteen years from the date of final acceptance of the improvements by the city. (Ord. 1177, § 1, 2002)

#### **13.32.060 Public works director's determination—Review by city council.**

A. The public works director shall review all applications and shall approve the application only if the following requirements are met:

1. The project satisfies the minimum size requirement and complies with city standards; and
2. The proposed improvements fall within the description of sewer or water facilities as those terms are described in RCW Chapter 35.91; and

B. In the event all of the above criteria are not satisfied, the public works director may condition approval as necessary in order for the application to conform to such criteria, or shall deny the application. The final determination of the public works directors shall be in writing. The applicant may obtain a review of the final determination by filing a request therefore with the city clerk no later than ten days after a copy of the final determination is mailed to the applicant at the address listed on the application.

C. In reviewing a final determination, the city council shall apply the criteria set in this section, and shall uphold the decision of the public works director unless evidence clearly demonstrates that the criteria have been satisfied. (Ord. 1177, § 1, 2002)

#### **13.32.070 Determination of reimbursement area boundary and reimbursement fee.**

The public works director shall define the reimbursement area for all approved applications based upon a determination of which parcels did not contribute to the original cost of the sewer or water facility for which the reimbursement agreement applies and which may subsequently tap in to or use the same, including not only those which may connect directly thereto, but also those who may connect to laterals or branches connecting thereto. An estimated amount of the reimbursement fee shall be established so that each property will pay a share of the costs of the improvements, which is proportional to the benefits which accrue to the property. (Ord. 1177, § 1, 2002)

#### **13.32.090 Reimbursement agreement must be recorded.**

A. In order to become effective, a reimbursement agreement must be recorded with the Kittitas County auditor within thirty days of approval by the city. It shall be the sole responsibility of the applicant to record the reimbursement agreement.

B. Within thirty days after receipt of evidence that the reimbursement agreement has been recorded the public works director shall record a notice of additional tax or correction charge with the Kittitas County auditor's office as required by RCW 65.08.170. (Ord. 1177, § 1, 2002)

#### **13.32.100 Written agreement—Payment of city costs in excess of application fee.**

Upon approval of the application, determination of the estimated costs of construction, the reimbursement area and estimated fees by the public works director, the applicant shall sign a reimbursement agreement in the form supplied by the city. The signed agreement, the application and supporting documents, together with the public works director's estimate of cost of construction, and determination of reimbursement area and



estimated fees shall be presented to the city council with a request that the city council authorize the mayor to sign the reimbursement agreement on behalf of the city.

In the event costs incurred by the city for engineering or other professional consultant services required in processing the application exceed the amount of the application fee, the public works director shall so advise the city council and council approval shall be conditioned upon receipt of payment by the applicant of an additional amount sufficient to compensate the city for its actual costs in excess of the application fee. (Ord. 1177, § 1, 2002)

**13.32.110 Construction and acceptance of improvements—Recording of final fees.**

A. After the reimbursement agreement has been signed by both parties, and all necessary permits and approvals have been obtained, the applicant shall construct the improvements, and upon completion, request final inspection and acceptance of the improvements by the city, subject to any required obligation to repair defects. An appropriate bill of sale, easement and any other document needed to convey the improvements to the city and to insure right-of-access for maintenance and replacement shall be provided, along with documentation of the actual costs of the improvements and a certification by the applicant that all of such costs have been paid.

B. In the event that actual costs are less than the public works director's estimate used in calculating the estimated fees by ten percent or more, the public works director shall recalculate the fees, reducing them accordingly, and shall cause a revised list of fees to be recorded with the county auditor. (Ord. 1177, § 1, 2002)

**13.32.120 Collection of reimbursement fees—No liability for failure to collect.**

A. Subsequent to the recording of a reimbursement agreement, the city shall not permit connection of any property within the reimburse-

ment area to any sewer or water facility constructed pursuant to the reimbursement agreement, unless the share of the costs of such facilities required by the recorded agreement is first paid to the city.

B. Upon receipt of any reimbursement fees, the city shall deduct a ten percent administrative fee and remit the balance of the reimbursement fees to the party entitled to the fees pursuant to the agreement. In the event that through error, the city fails to collect a required reimbursement fee prior to approval of connection to a sewer facility, the city shall make diligent efforts to collect such fee, but shall under no circumstances be obligated to make payment to the party entitled to reimbursement, or in any other way be liable to such party, unless such reimbursement fee has actually been paid to the city. (Ord. 1177, § 1, 2002)

**13.32.130 Disposition of undeliverable reimbursement fees.**

In the event that, after reasonable effort, the party to which reimbursement fees are to be paid pursuant to a reimbursement agreement cannot be located, and upon the expiration of one hundred eighty days from the date fees were collected by the city, the fees shall become the property for the city and shall be revenue to the city sewer and water utility. (Ord. 1177, § 1, 2002)

## Chapter 13.40

### IDENTITY THEFT PROGRAM

#### Sections:

#### 13.40.010 Program adoption.

#### 13.40.020 Program purpose and definitions.

#### 13.40.030 Identification of red flags.

#### 13.40.040 Detecting red flags.

#### 13.40.050 Preventing and mitigating identity theft.

#### 13.40.060 Program administration.

#### 13.40.070 Program updates.

#### 13.40.010 Program adoption.

The City of Cle Elum developed this Identity Theft Prevention Program ("program") pursuant to the Federal Trade Commission's Red Flags Rule ("Rule"), which implements Sections 114 and 315 of the Fair and Accurate Credit Transactions Act of 2003. This program was developed with the oversight and approval of the city's finance director. After consideration of the size and complexity of the city's operations and account systems, and the nature and scope of the city's activities, the city council determined that this program was appropriate for the city, and therefore approved this program by the adoption of Ordinance No. 1313 on March 24, 2009.  
(Ord. No. 1313, § 1(Exh. A), 3-24-2009)

#### 13.40.020 Program purpose and definitions.

A. Fulfilling Requirements of the Red Flags Rule. Under the red flags rule, every financial institution and creditor is required to establish an identity theft prevention program tailored to its size, complexity and the nature of its operation. The program must contain reasonable policies and procedures to:

1. Identify relevant red flags as defined in the rule and this program for new and existing covered accounts, and incorporate those red flags into the program;

2. Detect red flags that have been incorporated into the program;

3. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and

4. Update the program periodically to reflect changes in risks to customers or to the safety and soundness of the city from identity theft.

B. Red Flags Rule Definitions Used in this Program. For the purposes of this program, the following definitions apply:

Account. "Account" means a continuing relationship established by a person with a creditor to obtain a product or service for personal, family, household or business purposes.

Covered Account. A "covered account" means:

- a. Any account the city offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and

- b. Any other account the city offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the city from identity theft.

Creditor. "Creditor" has the same meaning as defined in Section 701 of the Equal Credit Opportunity Act, 15 U.S.C. 1691a, and includes a person or entity that arranges for the extension, renewal or continuation of credit, including the city.

Customer. A "customer" means a person or business entity that has a covered account with the city.

Financial Institution. "Financial institution" means a state or national bank, a state or federal savings and loan association, a mutual savings bank, a state or federal credit union, or any other entity that holds a "transaction account" belonging to a customer.

Identifying Information. "Identifying information" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including name, address, telephone number, Social Security

number, date of birth, government passport number, employer or taxpayer identification number or unique electronic identification number.

**Identity Theft.** "Identity theft" means fraud committed using the identifying information of another person.

**Red Flag.** A "red flag" means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

**Service Provider.** "Service provider" means a person or business entity that provides a service directly to the city relating to or in connection with a covered account.

(Ord. No. 1313, § 1(Exh. A), 3-24-2009)

### **13.40.030 Identification of red flags.**

In order to identify relevant red flags, the city shall review and consider the types of covered accounts that it offers and maintains, the methods it provides to open covered accounts, the methods it provides to access its covered accounts, and its previous experiences with identity theft. The city identifies the following red flags, in each of the listed categories:

#### **A. Notification and Warnings from Credit Reporting Agencies—Red Flags.**

1. Report of fraud accompanying a credit report;
2. Notice or report from a credit agency of a credit freeze on a customer or applicant;
3. Notice or report from a credit agency of an active duty alert for an applicant; and
4. Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

#### **B. Suspicious Documents—Red Flags.**

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;

3. Other document with information that is not consistent with existing customer information (such as a person's signature on a check appears forged); and

4. Application for service that appears to have been altered or forged.

#### **C. Suspicious Personal Identifying Information—Red Flags.**

1. Identifying information presented that is inconsistent with other information the customer provides (such as inconsistent birth dates);

2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a driver's license);

3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;

4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);

5. Social Security number presented that is the same as one given by another customer;

6. An address or phone number presented that is the same as that of another person;

7. Failing to provide complete personal identifying information on an application when reminded to do so (however, by law Social Security numbers must not be required); and

8. Identifying information which is not consistent with the information that is on file for the customer.

#### **D. Suspicious Account Activity or Unusual Use of Account—Red Flags.**

1. Change of address for an account followed by a request to change the account holder's name;

2. Payments stop on an otherwise consistently up-to-date account;

3. Account used in a way that is not consistent with prior use (such as very high activity);

4. Mail sent to the account holder is repeatedly returned as undeliverable;

5. Notice to the city that a customer is not receiving mail sent by the city;

6. Notice to the city that an account has unauthorized activity;

7. Breach in the city's computer system security; and

8. Unauthorized access to or use of customer account information.

**E. Alerts from Others—Red Flag.**

1. Notice to the city from a customer, a victim of identity theft, a law enforcement authority or other person that it has opened or is maintaining a fraudulent account for a person engaged in identity theft.

(Ord. No. 1313, § 1(Exh. A), 3-24-2009)

**13.40.040 Detecting red flags.**

**A. New Accounts.** In order to detect any of the red flags identified above associated with the opening of a new account, city personnel will take the following steps to obtain and verify the identity of the person opening the account:

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;

2. Verify the customer's identity (for instance, review a driver's license or other identification card);

3. Review documentation showing the existence of a business entity; and

4. Independently contact the customer.

**B. Existing Accounts.** In order to detect any of the red flags identified above for an existing account, city personnel will take the following steps to monitor transactions with an account:

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);

2. Verify the validity of requests to change billing addresses; and

3. Verify changes in banking information given for billing and payment purposes.

(Ord. No. 1313, § 1(Exh. A), 3-24-2009)

**13.40.050 Preventing and mitigating identity theft.**

In the event city personnel detect any identified red flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the red flag:

**A. Prevent and Mitigate Identity Theft.**

1. Monitor a covered account for evidence of identity theft;

2. Contact the customer with the covered account;

3. Change any passwords or other security codes and devices that permit access to a covered account;

4. Not open a new covered account;

5. Close an existing covered account;

6. Reopen a covered account with a new number;

7. Not attempt to collect payment on a covered account;

8. Notify the finance director for determination of the appropriate step(s) to take;

9. Notify law enforcement; or

10. Determine that no response is warranted under the particular circumstances.

**B. Protect Customer Identifying Information.** In order to further prevent the likelihood of identity theft occurring with respect to city accounts, the city shall take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Secure the city website but provide clear notice that the website is not secure;

2. Undertake complete and secure destruction of paper documents and computer files containing customer information;

3. Make office computers password protected and provide that computer screens lock after a set period of time;

4. Keep offices clear of papers containing customer identifying information;

5. Request only the last four digits of Social Security numbers (if any);

6. Maintain computer virus protection up to date; and

7. Require and keep only the kinds of customer information that are necessary for city purposes.

(Ord. No. 1313, § 1(Exh. A), 3-24-2009)

#### **13.40.060 Program administration.**

A. Oversight. The finance director or other designated city employee at the level of senior management shall be responsible for developing, implementing, and updating the program.

The finance director shall also be responsible for the program administration, for appropriate training of city staff on the program, for reviewing the annual staff report required under the program, as well as any other staff reports regarding the detection of red flags and the steps for preventing and mitigating identity theft, determining which steps of prevention and mitigation should be taken in particular circumstances, and considering periodic changes to the program.

B. Staff Training and Reports. City staff responsible for implementing the program shall be trained either by or under the direction of the finance director in the detection of red flags, and the responsive steps to be taken when a red flag is detected. Additionally, a compliance report shall be provided annually to the finance director. The annual compliance report shall at a minimum address the following:

1. The effectiveness of the city's policies and procedures in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;

2. Service provider arrangements;

3. Significant incidents involving identity theft and the city's response; and

4. Recommendations for material changes to the program.

C. Service Provider Arrangements. In the event the city engages a service provider to perform an activity in connection with one or more covered accounts, the city shall take the following steps to require that the service provider performs

its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.

1. Require, by contract, that service providers acknowledge receipt and review of the program and agree to perform their activities with respect to city covered accounts in compliance with the terms and conditions of the program and with all instructions and directives issued by the finance director relative to the program; or

2. Require, by contract, that service providers acknowledge receipt and review of the program and agree to perform their activities with respect to city covered accounts in compliance with the terms and conditions of the service provider's identity theft prevention program and will take appropriate action to prevent and mitigate identity theft; and that the service providers agree to report promptly to the city in writing if the service provider in connection with a city covered account detects an incident of actual or attempted identity theft or is unable to resolve one or more red flags that the service provider detects in connection with a covered account.

D. Customer Identifying Information and Public Disclosure. The identifying information of city customers with covered accounts shall be kept confidential and shall be exempt from public disclosure to the maximum extent authorized by law, including RCW 42.56.230(4). The city council also finds and determines that public disclosure of the city's specific practices to identify, detect, prevent, and mitigate identity theft may compromise the effectiveness of such practices and hereby direct that, under the program, knowledge of such specific practices shall be limited to the finance director and those city employees and service providers who need to be aware of such practices for the purpose of preventing identity theft.

(Ord. No. 1313, § 1(Exh. A), 3-24-2009)

#### **13.40.070 Program updates.**

The program will be periodically reviewed and updated to reflect changes in risks to customers and to the safety and soundness of the city from

identity theft. The finance director shall at least annually review the annual compliance report and consider the city's experiences with identity theft, changes in identity theft methods, changes in identity theft detection and prevention methods, changes in types of accounts the city maintains and changes in the city's business arrangements with other entities and service providers. After considering these factors, the finance director shall determine whether changes to the program, including the listing of red flags, are warranted. If warranted, the finance director shall present the recommended changes to the city council for review and approval.

(Ord. No. 1313, § 1(Exh. A), 3-24-2009)

**Title 14**

**(Reserved)**





## **Title 15**

### **BUILDINGS AND CONSTRUCTION**

#### **Chapters:**

<b>15.04</b>	<b>Building Code</b>
<b>15.06</b>	<b>Dangerous Buildings</b>
<b>15.12</b>	<b>Contractors' Bonds</b>
<b>15.16</b>	<b>Fire Limits</b>
<b>15.20</b>	<b>Sign Code</b>
<b>15.22</b>	<b>Historic Preservation</b>
<b>15.24</b>	<b>Flood Hazard Prevention</b>
<b>15.28</b>	<b>Environmental Policy</b>
<b>15.30</b>	<b>Grading, Excavation and Land Filling</b>



**Chapter 15.04****BUILDING CODE\*****Sections:**

- 15.04.010 Title.**
- 15.04.020 Purpose.**
- 15.04.030 Adoption of 2009 International Codes.**
- 15.04.040 Design requirements.**
- 15.04.050 Pole buildings.**
- 15.04.060 Contractor registration.**
- 15.04.070 Fees.**
- 15.04.080 Permits.**
- 15.04.090 Enforcement.**
- 15.04.100 Liability.**

**15.04.010 Title.**

This title is known as and may be referred to as the "City of Cle Elum Building Code." (Ord. No. 1289, § 1(Exh. A), 4-8-2008)

**\*Editor's note**—Ord. No. 1289, § 1, adopted Apr. 8, 2008, amended Ch. 15.04 in its entirety to read as herein set out. Former Ch. 15.04, §§ 15.04.010—15.04.090, pertained to similar subject matter and derived from Ord. 1229, § 2(Exh. B(part)), 2005; and Ord. 1257, § 1(Exh. A(part)), 2006.

**15.04.020 Purpose.**

The purpose of the codes and regulations adopted in this title is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of buildings and structures within the City of Cle Elum. It is not the purpose or intent to create or designate any particular class or group of persons to be especially protected or benefited, nor is it intended to create any special relationship with any individual. (Ord. No. 1289, § 1(Exh. A), 4-8-2008)

**15.04.030 Adoption of 2009 International Codes.**

The city council hereby adopts the 2009 Suite of International and Uniform Building Codes as adopted by the Washington State Building Code Council on July 1, 2010. (Ord. No. 1289, § 1(Exh. A), 4-8-2008; Ord. No. 1332, § 1, 7-27-2010)

**15.04.040 Design Requirements.**

1. **Conflict between Codes.** Whenever there is a conflict between a Referenced Code in Section 15.04.030 of this code and the General Requirements contained in Section 15.04.040 of this code, the General Requirements shall apply.

2. **Climatic and Geographic Design Criteria.**

**Climatic and Geographic Design Criteria**

			Subject to Damage from							
Ground Snow Load	Wind Speed (Gust)	Seismic Design Category	Weathering	Frost line depth	Termite	Winter Design Temp.	Ice Shield Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp.
115	85 mph	IRC:D° IBC: S <sub>s</sub> =0.65 S <sub>i</sub> =0.23	Severe	24"	Slight to Moderate	2°	Yes	Date Entered Into NFIP: 3/3/1975 Date of Current FIRM Maps Adopted: 5/5/1981	1500	50

3. Professional Preparation of Plans: The City of Cle Elum shall require a Washington State licensed design professional, licensed under the provisions of RCW 18.08, WAC 308-12 (for Architects) or RCW 18.43 (for Engineers) to stamp, prepare or oversee the preparation of plans and calculations for buildings or structures when ANY of the following criteria are met but is not limited to the following:

A. The following are required to be professionally designed for structural integrity (lateral and gravity), Life Safety and Architectural Barriers (accessibility).

a) A building of any occupancy over four thousand square feet.

Exception: Residential structures.

b) Buildings containing five or more residential dwelling units.

B. The following are required to be professionally designed for structural integrity (lateral and gravity) only.

a) All steel, concrete, masonry and timber framed structures.

b) All log buildings and structures. This includes any log or beam style trusses used in stick framed buildings.

Exception: One-story log buildings with a single ridged stick-framed roof with no valleys or trussed roof may be accepted without a professional structural design.

c) All other structures within the City of Cle Elum.

Exception: One-story buildings with a single ridged stick-framed roof with no valleys or trussed roof may be accepted without a professional structural design.

(Ord. No. 1289, § 1(Exh. A), 4-8-2008)

#### 15.04.050 Pole buildings.

The following section shall govern all pole style structures:

1. Design Requirements: All pole style structures shall follow the requirements of section 15.04.040 "Design Requirements" with the following additions:

A. The City of Cle Elum shall require a Washington State licensed design professional, licensed under the provisions of RCW 18.08, WAC 308-12 (for Architects) or RCW 18.43 (for Engineers) to stamp, prepare or oversee the preparation of plans and calculations for pole structures when:

a) The eave height exceeds twelve feet.

b) The minimum embedment depth listed below cannot be met.

c) The backfill requirements listed below cannot be met.

d) The use of the building or structure is for habitable space.

e) The structure is over one story.

f) The occupant load based on the IBC is greater than or equal to ten.

2. Post Embedment Requirements: Posts must be embedded into the ground a distance one-third the height of the eave. The minimum post embedment is three feet.

Example: A twelve-foot eave height building would require the posts be embedded into the ground four feet. An eight-foot eave height building would require the posts be embedded three feet.

Post holes are required to be six inches deeper than the post embedment length to allow for concrete footing under the posts. Post hole diameters will be sized to directly support three-fourths of the gravity load.

3. Backfill Requirements: The backfill requirements for all posts holes shall be concrete. All native material taken out for the excavation of the post hole shall be replaced with concrete.

(Ord. No. 1289, § 1(Exh. A), 4-8-2008)

**15.04.060 Contractor registration.**

No permit shall be issued for work which is to be done by any contractor required to be registered under Chapter 18.27 RCW without verification that such contractor is currently registered as required by law. All contractors shall have a city business license as required under Chapter 5.02 CEMC.

(Ord. No. 1289, § 1(Exh. A), 4-8-2008)

**15.04.070 Fees.**

1. All City of Cle Elum permit fees shall be established by resolution.

2. Investigation Fees: Work without a permit.

a. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

b. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the building permit fee. This fee is an additional, punitive fee and shall not apply to the permit fees that may subsequently be issued. Payment of the investigative fee does not vest the illegal work with any legitimacy, nor does it establish any right to a permit for continued development of that project. If the work done remains illegal for ninety days after service of the stop work order, it shall be considered hazardous.

c. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

3. Fee Refunds. The building official may authorize the refunding of:

a. One hundred percent of any fee erroneously paid or collected.

b. Up to eighty percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

c. Up to eighty percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

(Ord. No. 1289, § 1(Exh. A), 4-8-2008)

**15.04.080 Permits.**

1. Except as specified in Section 15.04.030 above (work exempt from permit), no building or structure shall be erected, placed, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the City of Cle Elum.

2. All permits shall expire by limitation and be declared void if any one of the following apply:

a. Work is not started within one hundred eighty days of obtaining a permit.

b. Work is abandoned for one hundred eighty days or more after beginning work.

c. An inspection has not been performed and approved by the City of Cle Elum for over one year.

The building official may extend the time for action by the applicant for a period not exceeding one hundred eighty days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. If a permit has expired, an applicant may renew the permit for one-half the permit fee(s) plus issuance fees and less plan review fees, provided no changes have been made or will be made to the original construction documents for such work, and provided further that the permit was reviewed under the current adopted codes. If there are changes to the original construction documents or if the permit is renewed under a different code, a plan review-fee will be charged at the current rate.

(Ord. No. 1289, § 1(Exh. A), 4-8-2008)

**15.04.090 Enforcement.**

1. Violation. It is unlawful for any person, firm or corporation to violate any provision of this chapter, or any code adopted herein, or to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure within the city, or to use any land contrary to, or in violation of, any of the provisions of the chapter, or any code adopted herein.

2. Penalty for Violations. See CEMC Chapter 8.60 (Code Enforcement).

3. Severability. The penalties provided in this section are intended to be in addition to, and not to supersede, any penalties provided in any of the codes adopted in CEMC 15.04.030. In the event of a conflict between the penalty provisions of this section and the penalty provisions in any of the codes, this section shall control.

(Ord. No. 1289, § 1(Exh. A), 4-8-2008)

**15.04.100 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. No. 1289, § 1(Exh. A), 4-8-2008)

**Chapter 15.06****DANGEROUS BUILDINGS****Sections:**

**15.06.010 Dangerous buildings defined.**

**15.06.020 Board—Established—Membership and organization.**

**15.06.030 Inspector—Responsibilities and procedures.**

**15.06.040 Board—Duties following filing of complaint.**

**15.06.050 Cooperation of city officers authorized.**

**15.06.060 Failure to comply with board order—City to perform work when—Costs.**

**15.06.070 Administrative liability.**

**15.06.080 Chapter provisions not exclusive—City powers.**

**15.06.090 Appeals from board decisions—Procedure.**

**15.06.100 Complaints required—Violation—Penalty.**

**15.06.010 Dangerous buildings defined.**

There exist in the city certain dangerous buildings that are not consistent with the health, safety and welfare of the residents of the city, and which are declared to be public nuisances, said "dangerous buildings" being defined as follows:

A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity of such wall or member falls outside the middle third of its base;

B. Those which, exclusive of the foundation, show thirty-three percent, or more, of damage or deterioration of the supporting member or members, or fifty percent of damage or deterioration of the nonsupporting member, enclosing or outside walls or coverings;

C. Those which have improperly distributed loads upon the floors or roofs, or in which the same





are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;

D. Those which have become damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city. A building damaged to the extent of fifty percent of the replacement valuation shall be considered a dangerous building;

E. Those which have become or are so dilapidated or decayed or unsafe or insanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein;

F. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein. Any building without plumbing, or with plumbing or sewage disposal systems that do not meet the minimum requirements of the city plumbing code, shall be considered insanitary;

G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication. Insufficient facilities for egress, stairways, elevators, fire escapes, etc., means those which do not meet the minimum requirements of the building code of the city;

H. Those which have parts thereof which are so insecurely attached that they may fall and injure members of the public or property;

I. Those which because of their condition are unsafe or insanitary, or dangerous to the health, morals, safety or general welfare of the people of the city. (Ord. 840 § 1 (part), 1985)

#### **15.06.020 Board—Established— Membership and organization.**

There is created and established a "board of appeals," hereinafter called "board." The board is empowered to conduct the hearings, to make the findings and to issue the orders called for in this

chapter. The members of this board shall be the same as those members of the board of appeals established by Section 204 of the 1982 Uniform Building Code and any later editions thereof or amendments thereto. The board shall appoint a chairman, shall adopt rules and procedures to fulfill its functions under this chapter, shall meet as often as required, and shall work with and cooperate with the chief building inspector. (Ord. 840 § 1 (part), 1985)

#### **15.06.030 Inspector—Responsibilities and procedures.**

The chief building inspector or the Cle Elum fire chief, hereinafter called "inspector," or his authorized representative shall have the following responsibilities and shall abide by the following procedures:

A. Inspection. The inspector shall be an ex officio member of the board, shall work with and cooperate with the board, and shall inspect or cause to be inspected all buildings which may be brought to his attention for the purpose of deciding whether any condition exists which would render any building in the city a dangerous building.

B. Informal Procedure. If any building is found to be a dangerous building by the inspector, he shall proceed as follows:

1. Determine all owners of the building as shown by public records;

2. Determine the legal description of the property upon which the building is located;

3. Notify all owners of the building by registered mail, return receipt requested, that the building is a dangerous building within the terms of the dangerous building code;

4. The notice shall include:

- a. A list of the conditions which cause the building to be a dangerous building,

- b. A recommendation as to how the conditions can best be corrected to comply with the dangerous building code,

- c. A request that the conditions be corrected within ninety days, and

d. A notice that failure to correct the conditions will result in the filing of a complaint with the board.

C. Formal Procedure. If the inspector proceeds informally and the dangerous conditions are not corrected within ninety days to the satisfaction of the inspector, or if the inspector finds that an emergency exists which demands immediate action without the informal procedure, the inspector shall proceed as follows:

1. File a complaint with the board;
2. The complaint shall include:
  - a. The names of all owners,
  - b. A legal description of the property upon which the building is located, as well as the street address,
  - c. The conditions which cause the building to be a dangerous building,
  - d. The recommendations of the inspector as to how the conditions can best be corrected,
  - e. A notice that hearing shall be held before the board at the City Hall of Cle Elum, Kittitas County, state of Washington, not less than ten days nor more than thirty days after the serving of the complaint, or in the event of publication or posting, not less than fifteen days or more than thirty days from the date of the last publication and posting, and
  - f. A notice that all parties in interest shall be given the right to file an answer to the complaint, to appear in person or otherwise, and to give testimony at the time and place fixed in the complaint;
3. Serve copies of the complaint upon all owners or, if the whereabouts of the owners are unknown and cannot be determined by reasonable diligence and the inspector shall so state by affidavit, the complaint shall be served by publishing the same once each week for two consecutive weeks in a newspaper published in the city;
4. Post in a conspicuous place on the property a copy of the complaint;
5. File a copy of the complaint with the Kittitas County auditor, which filing shall have the same force and effect as other lis pendens notices as provided by law. (Ord. 840 § 1 (part), 1985)

#### **15.06.040 Board—Duties following filing of complaint.**

The board, upon filing of a complaint, shall:

- A. Conduct a hearing thereon on the date stated in the complaint;
- B. At the hearing, the board shall hear all of the testimony relevant to the allegations of the complaint;
- C. Upon hearing all of the testimony to be presented, the board shall make written findings of fact and an order within sixty days from the date of hearing; the findings shall state whether or not the building in question is a dangerous building and, if so, shall order the remedial action that should be taken. The board shall have authority to order repairs, vacation and/or demolition;
- D. The board, in making the findings and order, shall be controlled by the following standards for repair, vacation or demolition:
  1. If the dangerous building can be reasonably repaired so that it will not longer exist in violation of the terms of this chapter, it shall be ordered repaired by the board,
  2. If the dangerous building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated by the board,
  3. If the dangerous building is fifty percent damaged or decayed or deteriorated in value, it shall be demolished. "Value" as used herein means replacement valuation,
  4. If the dangerous building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished;
- E. A copy of the executed findings and order shall be served upon the owners of the property by registered mail, return receipt requested, shall be posted in a conspicuous place on the property, and shall be filed with the Kittitas County auditor. (Ord. 840 § 1 (part), 1985)

**15.06.050 Cooperation of city officers authorized.**

The city attorney, fire chief, police chief and all other public officers shall work with and cooperate with the inspector and the board to the extent necessary to carry out the terms and provisions of this chapter. (Ord. 840 § 1 (part), 1985)

**15.06.060 Failure to comply with board order—City to perform work when—Costs.**

If the owners fail to comply with the order issued by the board, or, if appealed, the order issued by the city council or the Kittitas County Superior Court, then, and in that event, the board may direct or cause such dwelling, building or structure to be repaired or demolished, as the order may require, and the costs of such shall be assessed against the real property upon which such costs were incurred, unless such amount is previously paid. The city treasurer shall determine the amount of the assessment due and owing and shall certify the same to the county treasurer, who shall enter the amount of such assessment upon the tax rolls against the property, all in the manner provided by law. (Ord. 840 § 1 (part), 1985)

**15.06.070 Administrative liability.**

No officer, agent or employee of the city shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the city as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the city until the final determination of the proceedings therein. (Ord. 840 § 1 (part), 1985)

**15.06.080 Chapter provisions not exclusive—City powers.**

Nothing in this chapter shall be construed to abrogate or impair the power of the city or any department thereof to enforce any provision of its ordinances or regulations, nor to prevent or punish

violations thereof, and any powers conferred by this chapter shall be in addition to and supplemental to powers conferred by other laws, nor shall this chapter be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings, or in any other manner provided by law. (Ord. 840 § 1 (part), 1985)

**15.06.090 Appeals from board decisions—Procedure.**

The owners may file an appeal from the order of the board within thirty days of the date of the service of the order. The appeal notice may be a formal notice or may be a simple letter from the owner addressed to the city council; the city council shall then conduct a hearing as outlined in this chapter. Any decision upon review by the city council may be further reviewed by the superior court of the county. The review shall be by writ of certiorari and shall be initiated by serving and filing a petition for the writ within thirty days after the council's decision has become final. (Ord. 840 § 1 (part), 1985)

**15.06.100 Complaints required—Violation—Penalty.**

No owner or occupant or any other person having charge, custody or control of any building or premises shall fail or refuse, after receiving notice, to promptly comply with any lawful order issued by the board. Violation of this provision or any other provision of this chapter, shall be punishable as set forth in Section 1.16.010 of this code. (Ord. 840 § 1 (part), 1985)

**Chapter 15.12****CONTRACTORS' BONDS****Sections:**

- 15.12.010** Statutes adopted.  
**15.12.020** Bonds payable to city.  
**15.12.030** Maintenance bond.

**15.12.010 Statutes adopted.**

The provisions of Chapter 39.08 of the Revised Code of Washington have been filed in triplicate with the city clerk and are adopted by reference into this chapter and shall hereafter be in effect in the city in the same manner as if they were fully set out in this chapter. (Ord. 691 § 1, 1975)

**15.12.020 Bonds payable to city.**

All contractors' bonds given to the city in connection with any project to be performed for the city shall be payable to the city. (Ord. 691 § 2, 1975)

**15.12.030 Maintenance bond.**

Performance and payment bonds furnished by any contractor to the city shall comply with the requirements of RCW Chapter 39.08. In addition, the city may require the furnishing by the contractor of a maintenance bond in the sum of at least twenty percent of the total contract price with a corporate surety approved by the city, before final payment is made to the contractor, the bond to guarantee the repair of all damage due to faulty materials and equipment and workmanship provided or done by the contractor for the city, and to remain in effect for a period of one year after date of final acceptance of the project by the city. (Ord. 691 § 3, 1975)

**Chapter 15.16****FIRE LIMITS****Sections:**

- 15.16.010** Designated.

**15.16.010 Designated.**

All that portion of the city described in this section is declared to be within and constitute the fire limits of the city:

All of Blocks One, Two, Three, Four, and A; Lots Seven to Eighteen inclusive in Block Five; Lots Six to Twenty-five inclusive in Block Six; Lots One to Twenty inclusive in Block Seven; Lots Seven to Eighteen inclusive in Block Eight; Lots Seven to Twelve inclusive in Block Nine; all in the original town (now city) of Cle Elum. (Ord. 300 § 1, 1936)

## Chapter 15.20

### SIGN CODE

#### Sections:

- 15.20.030 Purpose and applicability.**
- 15.20.035 Definitions.**
- 15.20.040 Enforcing official.**
- 15.20.050 Right of entry.**
- 15.20.060 Appeals.**
- 15.20.070 Permits.**
- 15.20.090 Removal of signs.**
- 15.20.135 Prohibited signs.**
- 15.20.140 Residential areas.**
- 15.20.150 General commercial, entry commercial areas and public reserve.**
- 15.20.155 Old Town commercial.**
- 15.20.160 Industrial areas.**
- 15.20.165 Business park areas.**
- 15.20.167 Lighting of signs.**
- 15.20.170 Temporary signs.**
- 15.20.175 Nonconforming signs.**
- 15.20.190 Responsibility of owner.**
- 15.20.195 Maintenance and safety.**
- 15.20.200 Variances.**
- 15.20.210 Violation—Penalty.**

#### **15.20.030 Purpose and applicability.**

The purpose of this chapter is to improve the quality of life and to harmonize the residential and business environments in the city. It is intended to improve the visual environment, permit signage consistent with the character of the community, and reduce signs or advertising distractions and/or obstructions that may contribute to hazards or accidents. The use of signs shall be regulated by zone. This chapter is designed to recognize the communication needs of the business community, and encourage maintenance of those signs, but also to protect the public health,

safety, welfare and aesthetics by regulating outdoor signs of all types. This chapter applies to all signs as defined by Section 15.20.035. (Ord. 1279 § 1 (Attach. A (part)), 2007; Ord. 1198 § 1, 2003; Ord. 1136 § 1, 2001; Ord. 866 § 1, 1987; Ord. 638 § 3, 1970)

#### **15.20.035 Definitions.**

Unless otherwise set forth, the following words as used in this chapter shall have the following meanings:

"Changeable copy sign (automatic)" means a sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.

"Double-faced sign" means a sign with two faces.

"Electrical sign" means a sign or sign structure in which electrical wiring, connections or fixtures are used.

"Facade" means the front or face of a building.

"Flashing sign" means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. It does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing of intermittent light.

"Freestanding sign" means a sign supported upon the ground by poles or braces or other structure designed and constructed to support the sign only and not attached to any building.

"Illegal sign" means a sign which does not meet the requirements of this code and which has not received legal nonconforming status.

"Internal illumination" means an indirect concealed light source that is recessed or contained within any element of a sign.

"Maintenance" means, for purposes of this chapter, the cleaning, painting, repair of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

"Mural" means a picture or picture-print combination that contains no advertising copy and

which does not convey an advertising message which is painted or otherwise applied on the exterior wall of a building or structure.

"Nonconforming sign" means a sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.

"Off-premises sign" means a sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which the sign is located, e.g., "billboards" or "outdoor advertising"; provided, however, that signs located on property under the same ownership and which would be in a single tax parcel or immediately adjacent thereto but for the presence of an intervening right-of-way shall not be construed as an "off-premises sign" for purposes of this chapter.

"Owner" means a person recorded as such on official records. For the purpose of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the administrator, e.g., a sign leased from a sign company.

"Projecting sign" means a sign, which is attached to and projects horizontally from a building wall.

"Public benefit sign" means an off-premises sign installed, maintained, and controlled in or over the public right-of-way for the sole purpose of providing directions to an establishment that serves or provides a benefit to the general public, including but not limited to directional signs to hospitals, schools, and other establishments of general public need or interest. A permit for any public benefit sign may be reasonably conditioned by the responsible official as to size, location, illumination, coloring, and similar characteristics.

"Public service sign" means a sign installed, maintained and controlled by the City of Cle Elum for the sole purpose of providing directions to locations and objects of interest to visitors and the traveling public and not to advertise a specific business or product.

"Reverse internal illumination" means an indirect concealed light source located within the sign and where the majority of the sign face does not allow light to be revealed except for the sign letter or graphics.

"Sandwich board sign" means a portable sign capable of supporting itself through an "A" frame structure.

"Sign" means any communication device, structure, placard or fixture that is visible from any public right-of-way, pedestrian path or sidewalk and is intended to aid in promoting the sale of product, goods, services or events or to identify a building using graphics, letters, figures, symbols, trademarks or written copy but not murals.

Sign, Area of.

1. Projecting and Freestanding. The area of a freestanding or projecting sign shall have all faces of any double-faced or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or two individual cabinets:

a. The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall include embellishments such as pole covers, framing, decorative roofing, etc. Support structures shall not be included in the determination of total area unless the support structures contribute to the advertising message.

b. If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules, within a single, continuous geometric figure shall be the area of the sign. Support structures shall not be included in the determination of total area unless the support structures contribute to the advertising message.

2. Wall Signs. The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area.

3. Awning Signs. The area of awning signs shall be measured by the area around and enclosing the advertising message.

"Sign, awning" means a sign attached, painted or installed on an awning projecting from a storefront.

"Temporary sign" means any sign or advertising display constructed of cloth, wood, canvas, light fabric, paper or other light materials with or without frames that is not permanently mounted and is intended to be displaced for a limited time only such as for political candidacy or special events.

"Wall sign" means a sign attached, painted or erected on or parallel to the face of building to which it is attached and supported throughout its entire length with the exposed face parallel to the plane of the building. Signs on or in windows will be considered wall signs. (Ord. 1279 § 1 (Attach. A (part)), 2007; Ord. 1211, 2004; Ord. 1198 § 1, 2003; Ord. 866 § 2, 1987) (Ord. No. 1333, § 1, 7-27-2010)

#### **15.20.040 Enforcing official.**

The city planner or designee is authorized and directed to enforce all the provisions of this code. (Ord. 1279 § 1 (Attach. A (part)), 2007; Ord. 1198 § 1, 2003; Ord. 638 § 4(a), 1970)

#### **15.20.050 Right of entry.**

Upon presentation of proper credentials the city planner, the building official or their duly authorized representatives may enter at reasonable times any building, structure, or premises in the city to perform any duty imposed upon him by this code. The city shall make reasonable effort to inform the owner of the need to access the premises authorized by this section. (Ord. 1279 § 1 (Attach. A (part)), 2007; Ord. 1198 § 1, 2003; Ord. 638 § 4(b), 1970)

#### **15.20.060 Appeals.**

Any administrative decision on a permit for a sign may be appealable to the city council pursuant to the provisions of CEMC 17.100. (Ord. 1279 § 1 (Attach. A (part)), 2007; Ord. 1198 § 1, 2003; Ord. 638 § 4(c), 1970)

#### **15.20.070 Permits.**

A. Permits Required. No sign shall hereafter be erected, moved, constructed, structurally altered or repaired except as provided by this title and a permit having been duly issued by the city.

B. Permits are not required for the following activities or signs in all districts:

1. Changing of advertising copy without increasing sign size or modifying characteristics;

2. Maintenance and cleaning of existing signs, provided such maintenance and cleaning does not include structural or electrical changes;

3. On-premises, non-electrical signs, three square feet or less in size used for advertising the street address of the building and the name of the occupant or owner;

4. Non-illuminated real estate or contractors sign pertaining to the sale or lease of the premises or the construction or improvement of the property, not exceeding six square feet in area;

5. Public informational signs installed, maintained and controlled by the City of Cle Elum. Signs shall not exceed twenty-five square feet of area devoted to advertising and are limited to no more than two signs at the west end of First Street, a single sign at Oakes Street and two signs at the east end of First Street;

6. Temporary signs;

7. Signs placed on or inside windows, provided that a minimum of fifty percent of any window shall remain free of signs.

C. Applications for sign permits shall be made to the City of Cle Elum on a form provided by the city. Applications shall include:

1. Name, address, telephone number and other contact information of the applicant or authorized agent and the legal owner of the property upon which the sign is to be located;

2. If the applicant is not the property owner, a signed instrument from the property owner authorizing the application;

3. Street address, tax parcel number, and acreage of the subject property;

4. A description of the sign, either in writing or in plan form, that identifies the type of sign per this chapter, the type of structural support, sign height, sign area and method of illumination;

5. A site plan drawn to scale, at a minimum scale of one inch equals twenty feet, that includes the dimensions of the subject property, the proposed location of the sign, the dimensions of the sign, the location of existing development on-site, the location size and dimensions of any existing signs on-site and the location of any public or private roads abutting the property;

6. Lighting details, if applicable, including fixture type, wattage, shielding, and other information necessary to determine compliance;

7. The required application fee as set by the Cle Elum city council.

D. Sign permits shall be processed as a Type I Application, as provided in CEMC 17.100.

E. Sign permits shall become invalid if work is not begun within one hundred eighty days of permit issuance. The city may authorize a single one hundred eighty day extension upon request of the applicant for circumstances beyond the applicant's control that prohibit installation of the sign within the required time period. (Ord. 1279 § 1 (Attach. A (part)), 2007: Ord. 1198 § 1, 2003: Ord. 866 § 5, 1987: Ord. 638 § 6, 1970)

#### **15.20.090 Removal of signs.**

Any sign(s) and fixture(s) now or hereafter existing which, for a period of sixty days, no longer advertises a bona fide business conducted or product sold shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, lot, or structure upon which the sign may be found. Fixtures that are no longer used shall be removed. Signs that are not used because of a vacant building shall remove the fixture or replace the sign face with a blank. Upon failure to comply with this provision, the building official is authorized to cause removal of the sign and any expense incident thereto shall be paid by the owner of the premises or filed as a lien against

the property. (Ord. 1279 § 1 (Attach. A (part)), 2007: Ord. 1198 § 1, 2003: Ord. 638 § 7, 1970)

#### **15.20.135 Prohibited signs.**

The following signs are prohibited in all districts within the City of Cle Elum except as specifically allowed as temporary signs:

A. Any sign not specifically listed as permitted in this chapter is prohibited unless otherwise provided by law;

B. Any sign which, by reason of its size, location, movement, content, coloring or manner of illumination may be confused with traffic control signs or signals, which determination shall be in the sole discretion of the responsible official;

C. Stationary motor vehicles, trailers and related devices used to circumvent the intent of this chapter;

D. Signs which are attached to utility poles, trees, fences, rocks or natural features and other similar objects which are not designed specifically for the installation of the sign;

E. Roof signs or signs projecting or installed above the eave lines of buildings;

F. All lighted signs which are adjacent to and directed toward a residential district and which detract from the welfare of the residential district;

G. Animated, moving, automatic changing copy, revolving, blinking or flashing signs, except public service signs such as those which only give the time, temperature and humidity;

H. Any sign or advertising display which obstructs in any way the vision of motorists entering or leaving public or private rights-of-way;

I. Signs extending over the public right-of-way and any sign placed within the right-of-way, with the exception of projecting signs, awning signs, and public benefit signs;

J. Off-premises signs, with the exception of public service signs controlled and installed by the City of Cle Elum and public benefit signs, as allowed in the entry commercial zone pursuant to Section 15.20.150;

K. Signs emitting pollutants such as smoke and sound;



L. Signs displaying unwarranted content (i.e., obscene language); and

M. Signs located within structural setbacks established by the zoning district, unless specifically authorized by this chapter. (Ord. 1279 § 1 (Attach. A (part)), 2007; Ord. 1198 § 1, 2003) (Ord. No. 1333, § 2, 7-27-2010)

#### **15.20.140 Residential areas.**

The following signs shall be permitted in all residential zoning districts in the city:

A. A wall mounted or freestanding sign, not exceeding fifteen square feet in area, erected upon the premises of a church or other institution for the purposes of displaying the name of the institution and its activities or services. Freestanding signs shall not exceed six feet in height;

B. A land sales sign of twenty-five square feet or less, non-illuminated, advertising the sale or development of a subdivision containing an area of not less than seven lots, erected upon the property so developed and advertised for sale. (Ord. 1279 § 1 (Attach. A (part)), 2007; Ord. 1198 § 1, 2003; Ord. 638 § 12, 1970)

#### **15.20.150 General commercial, entry commercial areas and public reserve.**

In areas zoned general commercial, entry commercial and public reserve, the following regulations apply:

A. The aggregate sign area for any lot shall not exceed two square feet for each foot of street frontage. Aggregate sign area for corner lots shall not exceed one and one-half square foot for each foot of street frontage;

B. Projecting and awning signs are permitted. Sign size shall not exceed forty-five square feet of area and shall maintain a vertical clearance of ten feet from the bottom edge of the sign or awning to the sidewalk surface;

C. Wall signs are permitted. The size of a wall sign shall not exceed ten percent of the building facade on which they are located, and no more than two signs are permitted per facade. For build-

ings with multiple tenants, maximum sign size shall be based on that portion of the facade occupied by each individual tenant;

D. Freestanding signs are permitted. One freestanding sign is permitted per street frontage, provided that corner lots with less than eighty feet on each street shall be permitted only one freestanding sign. Freestanding signs shall not exceed two hundred square feet of total sign area, and no one face shall exceed one hundred square feet. The height for a freestanding sign shall not exceed thirty-five feet;

E. Off-premises signs are allowed in the entry commercial zone and shall be for directional purposes only.

1. Off-premises signs shall be permitted only for businesses located not more than one block off of First Street, or not more than one block off of the principal arterial serving the business, except for public benefit signs;

2. No off-premises sign shall exceed six feet in height;

3. Off-premises signs shall not exceed twenty-four square feet per sign face, and shall have no more than two faces;

4. Off-premises signs shall not be allowed within any right-of-way and must be located no further than five hundred feet from the exterior boundary of the parcel upon which the business is situated; provided, however, that this prohibition does not apply to public benefit signs;

5. Only one off-premise sign permitted per business or organization, with the exception of public benefit signs;

6. The sign copy of the off-premise sign shall be limited to copy, text and graphics of the business or facility benefiting from the off-premise sign;

7. A notarized agreement from the property owner on whose property the sign will be located is required as part of the application. At a minimum, the agreement shall address:

a. Final responsibility for maintenance, removal and nuisance/abatement issues will be that of the property owner upon which the off-premises sign is located;

b. The right of use of the off-premise sign is neither assignable nor transferable without sign permit approval from the City of Cle Elum; and

c. That the property owner upon which the sign is to be located authorizes the sign to be placed upon their property.

F. Sandwich boards and portable signs are allowed under the following conditions:

1. They shall not exceed two feet in overall width and four feet overall height;

2. Must be wind-firm in some acceptable manner;

3. May not obstruct more than twenty percent of a sidewalk or right-of-way. A minimum clearance of clear passage shall be six feet;

4. Shall not be placed in or on a street or alley right-of-way;

5. Shall be constructed of materials that are hard, durable, weather proof and permanent. Signs shall be constructed in an "A" frame fashion only. Copy and images shall only indicate the name and type of business. Changeable copy is not permitted except for hand drawn lettering or graphics such as a chalkboard;

6. Shall be allowed only immediately in front of the business being occupied. Provided that a property owner may grant another business owner the right to locate a sign on their property frontage if the businesses are located on the same block and not more than one sign is permitted;

7. Only one sign is permitted per lot, structure or business;

8. Shall not obstruct sight distance requirements on public streets; and

9. Shall be removed from public view during closed hours. (Ord. 1279 § 1 (Attach. A (part)), 2007; Ord. 1198 § 1, 2003; Ord. 866 § 3, 1987; Ord. 855 § 1, 1986) (Ord. No. 1333, § 3, 7-27-2010)

#### **15.20.155 Old Town commercial.**

Signs in the Old Town commercial zone shall be permitted as follows:

A. All signs shall be consistent with the historical and pedestrian character of the district.

B. The aggregate sign area for any lot shall not exceed two square feet for each foot of street frontage. The permitted signs enumerated in this subsection shall be subject to the total aggregate sign area.

C. Wall signs are permitted provided they do not total an area more than ten percent of the building facade on which they are located. Each multi-tenant building may have one identification wall sign for each street frontage.

D. Projecting and awning signs shall not exceed forty-five square feet of area and shall maintain a vertical clearance of ten feet from the bottom edge of the sign or awning to the sidewalk surface.

E. Sandwich board signs are allowed under the following conditions:

1. They shall not exceed two feet in overall width and four feet overall height;

2. Must be wind-firm in some acceptable manner;

3. May not obstruct more than twenty percent of a sidewalk or right-of-way. A minimum clearance of clear passage shall be six feet;

4. Shall not be placed in or on the traveled or parking area of a street or alley right-of-way;

5. Shall be constructed of materials that are hard, durable, weather proof and permanent. Signs shall be constructed in an "A" frame fashion only. Copy and images shall only indicate the name and type of business. Changeable copy is not permitted except for hand drawn lettering or graphics such as a chalkboard;

6. Shall be allowed only immediately in front of the business being occupied. Provided that a property owner may grant another business owner the right to locate a sign on their property frontage if the businesses are located on the same block and not more than one sign is permitted;

7. Only one sign is permitted per lot, structure or business;

8. Shall not obstruct sight distance requirements on public streets;

9. Shall be removed from public view during closed hours.

F. Application of the specific sign standards in this section to individual signs may not be required if the applicant provides substantial evidence that the imposition of the standards will result in a sign that is less consistent with the historic character of the area. (Ord. 1279 § 1 (Attach. A (part)), 2007; Ord. 1198 § 1, 2003)

#### **15.20.160 Industrial areas.**

In areas which are zoned industrial, the following regulations apply:

A. The aggregate sign area for any lot shall not exceed one foot for each foot of street frontage. The permitted signs enumerated in this subsection shall be subject to the total aggregate sign area.

1. Wall signs are permitted but shall not total an area more than fifteen percent of the building facade on which they are located, and not exceed two signs per facade.

2. Each structure may have one freestanding sign per street frontage, provided that corner lots with less than eighty feet on each street shall be permitted only one freestanding sign. Freestanding signs shall not exceed one hundred square feet of total sign area, and no one face shall exceed fifty square feet. The maximum height for a freestanding sign shall not exceed the height of the building containing the activity being advertised and in no case shall exceed twenty-five feet. The width of the support system for a freestanding sign shall be a minimum of eighty percent of the width of the sign face.

B. Buildings having multiple occupancy will be allowed individual signs as set forth in subsection A of this section. (Ord. 1279 § 1 (Attach. A (part)), 2007; Ord. 1198 § 1, 2003; Ord. 855 § 2, 1986)

#### **15.20.165 Business park areas.**

Signs in the business park zone shall be permitted as follows:

A. The aggregate sign area for any lot shall not exceed one square foot for each foot of street

frontage. The permitted signs enumerated in this subsection shall be subject to the total aggregate sign area.

B. Wall signs are permitted provided they do not total an area more than ten percent of the building facade on which they are located. Each multi-tenant building may have one identification wall sign for each street frontage.

C. Each building may have one freestanding sign per street frontage. The sign may not exceed a total of one hundred square feet for the total of all faces. No one face shall exceed fifty square feet in area. The sign shall not exceed fifteen feet in height. The width of the support system for a freestanding sign shall be a minimum of eighty percent of the width of the sign face. (Ord. 1279 § 1 (Attach. A (part)), 2007; Ord. 1198 § 1, 2003)

#### **15.20.167 Lighting of signs.**

A. Internal and exterior illuminated signs are allowed in all zones except R, RM and the Old Town commercial zoning district where only exterior and reverse internal illuminated signs are permitted provided, that awning signs may be internally illuminated.

B. No on ground lighting fixtures shall be permitted. Fixtures must be mounted to the bottom or top of the sign face and shall be shielded or mounted on curved standards to direct light to sign face only to minimize glare and off-sight lighting impacts. One mounted light shall be permitted per five square feet of sign area.

C. The illumination of signs shall not cause excessive light or glare that could result in the reduced visibility of official signs and approaching, merging or entering traffic.

D. Portable and temporary signs shall not be illuminated. (Ord. 1279 § 1 (Attach. A (part)), 2007; Ord. 1198 § 1, 2003)

#### **15.20.170 Temporary signs.**

Temporary signs are defined as signs announcing political candidacy, special events or any sign

which becomes meaningless due to the passage of time for a period of one year or less. The following regulations apply to temporary signs:

A. Political signs shall be no larger than nine square feet.

B. Permission must be obtained from the appropriate property owner to erect a sign for which an individual seeks election to an office or position.

C. Political signs shall not be erected or displayed more than ninety days prior to an election.

D. Exterior political signs shall be removed not more than fifteen days following the applicable election or event date.

E. A deposit fee of fifty dollars shall be required for temporary signs with an expiration date such as an election date or an event date. Upon removal of any such signs by the applicant or his or her agent within the time period specified in this section, the deposit set forth in this section shall be returned.

F. Temporary promotional signs advertising specific events such as sales, grand openings and other similar activities are permitted. Signs shall remain in place no longer than fourteen days in any six-month period and shall comply with all other provisions of this code. (Ord. 1279 § 1 (Attach. A (part)), 2007; Ord. 1198 § 1, 2003; Ord. 855 § 3, 1986)

#### **15.20.175 Nonconforming signs.**

A. Existing signs that are nonconforming to the provisions of this chapter are permitted to continue subject to the provisions of subsection B of this section. Nonconforming signs may be replaced by a sign of the same type, size, dimensions and location without losing its nonconforming status. Sandwich board and temporary signs that are nonconforming are not permitted to be continued and shall be made conforming.

B. A nonconforming sign shall lose its nonconforming status if:

1. The sign is relocated; or

2. The structure or size of the sign is altered in any way. This section shall exclude normal and routine maintenance; or

3. The sign is not maintained consistent with Section 15.20.195. (Ord. 1279 § 1 (Attach. A (part)), 2007; Ord. 1198 § 1, 2003; Ord. 866 § 4, 1987)

#### **15.20.190 Responsibility of owner.**

This chapter shall not be construed to relieve or lessen the responsibility of any person owning or operating or installing any sign for damages to property or injuries to persons caused by the construction, maintenance or operation of any sign or any defect therein, nor shall the city or any agent thereof be held or construed as assuming any such liability or responsibility by reason of the permits, fees and inspections provided for in this chapter. The minimum safety requirements and regulations prescribed in this chapter shall not relieve the property owner nor the person constructing or maintaining a sign from the obligation of taking any additional steps necessary to make and keep the sign safe for persons and property. The city and other public agencies are not responsible for damage caused to signs overhanging the public right-of-way during maintenance operations or construction activities. (Ord. 1279 § 1 (Attach. A (part)), 2007; Ord. 1198 § 1, 2003; Ord. 855 § 5, 1986; Ord. 638 § 14, 1970)

#### **15.20.195 Maintenance and safety.**

All signs and components thereof must be maintained in good repair and in a safe, neat, clean and attractive condition. Signs that are a danger to the general public shall be repaired or removed at the direction of the city. (Ord. 1279 § 1 (Attach. A (part)), 2007; Ord. 1198 § 1, 2003)

#### **15.20.200 Variances.**

Variances to dimensional standards may be permitted in accordance with the provisions of Chapter 17.85. (Ord. 1279 § 1 (Attach. A (part)), 2007; Ord. 1198 § 1, 2003; Ord. 1116 § 1, 2000; Ord. 855 § 6, 1986; Ord. 648 § 1, 1971; Ord. 638 § 17, 1970)

**15.20.210 Violation—Penalty.**

It is unlawful to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or structure in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code. Each such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and upon conviction of any such violation shall be punished as set forth in the applicable provisions of the Cle Elum Municipal Code. (Ord. 1279 § 1 (Attach. A (part)), 2007; Ord. 1198 § 1, 2003; Ord. 855 §§ 7, 8, 1986; Ord. 638 § 15, 1970)

**Chapter 15.22****HISTORIC PRESERVATION****Sections:****15.22.010 Title.****15.22.020 Purpose.****15.22.030 Definitions.****15.22.040 Cle Elum historic commission.****15.22.050 Cle Elum register of historic places.****15.22.060 Review of changes to Cle Elum register properties.****15.22.070 Review and monitoring of properties for special property tax valuation.****15.22.080 Relationship to zoning.****15.22.010 Title.**

This chapter shall be known and may be cited as the "historic preservation ordinance of the City of Cle Elum." (Ord. 1229 § 3 (Exh. C (part)), 2005)

**15.22.020 Purpose.**

The purpose of this chapter is to provide for the identification, evaluation, designation, and protection of designated historic and prehistoric resources within the boundaries of the City of Cle Elum and preserve and rehabilitate eligible historic properties within the city for future generations through special valuation, a property tax incentive, as provided in Chapter 84.26 RCW in order to:

A. Safeguard the heritage of the city as represented by those buildings, districts, objects, sites and structures which reflect significant elements of the city's;

B. Foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on the city's history;

C. Stabilize or improve the aesthetic and economic vitality and values of such sites, improvements and objects;

D. Assist, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings, districts, objects, sites and structures;

E. Promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and

F. Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment. (Ord. 1229 § 3 (Exh. C (part)), 2005)

### 15.22.030 Definitions.

The following words and terms when used in this chapter shall mean as follows, unless a different meaning clearly appears from the context:

"Actual cost of rehabilitation" means costs incurred within twenty-four months prior to the date of application and directly resulting from one or more of the following:

1. Improvements to an existing building located on or within the perimeters of the original structure;

2. Improvements outside of but directly attached to the original structure which are necessary to make the building fully useable but shall not include rentable/habitable floor-space attributable to new construction;

3. Architectural and engineering services attributable to the design of the improvements;

4. All costs defined as "qualified rehabilitation expenditures" for purposes of the federal historic preservation investment tax credit.

"Building" means a structure constructed by human beings. This includes both residential and nonresidential buildings, main and accessory buildings.

"Certificate of appropriateness" means the document indicating that the commission has reviewed the proposed changes to a local register property or within a local register historic district and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation.

"Certified local government" or "CLG" means the designation reflecting that the local government has been jointly certified by the State Historic Preservation Officer and the National Park Service as having established its own historic preservation commission and a program meeting federal and state standards.

"Class of properties eligible to apply for special valuation" means all properties in Cle Elum listed on the National Register of Historic Places or certified as contributing to a National Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW, until Cle Elum becomes a certified local government (CLG). Once a CLG, the class of properties eligible to apply for special valuation means all properties listed on the Cle Elum register of historic places or properties certified as contributing to a Cle Elum register historic district which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

"Cle Elum historic inventory" or "inventory" means the comprehensive inventory of historic and prehistoric resources within the boundaries of the City of Cle Elum.

"Cle Elum historic preservation commission" or "commission" means the commission created by Section 15.22.040 in this chapter.

"Cle Elum register of historic places," "local register," or "register" mean the listing of locally designated properties provided for in Section 15.22.050 in this chapter.

"Cost" means the actual cost of rehabilitation, which cost shall be at least twenty-five percent of the assessed valuation of the historic property, exclusive of the assessed value attributable to the land, prior to rehabilitation.

"District" means a geographically definable area urban or rural, small or large—possessing a significant concentration, linkage, or continuity of sites buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.

"Emergency repair" means work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake or other disaster.

"Historic property" means real property together with improvements thereon, except property listed in a register primarily for objects buried below ground, which is listed in a local register of a certified local government or the National Register of Historic Places.

"Incentives" are such rights or privileges or combination thereof which the city council, or other local, state, or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of register properties. Examples of economic incentives, include, but are not limited to, tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, beneficial placement of public improvements or amenities, or the like.

"Local review board" or "board" used in Chapter 84.26 RCW and Chapter 254-20 WAC for the special valuation of historic properties means the commission created in Section 15.22.040 in this chapter.

"National Register of Historic Places" means the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering or cultural heritage.

"Object" means a thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

"Ordinary repair and maintenance" means work for which a permit issued by the City of Cle Elum is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance therein and to

restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage.

"Owner" of property is the fee simple owner of record as exists on the Kittitas County assessor's records.

"Significance" or "significant" used in the context of historic significance means the following: a property with local, state, or national significance is one which helps in the understanding of the history or prehistory of the local area, state, or nation (whichever is applicable) by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area can include Cle Elum, Kittitas County, Central Washington or a modest geographic or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

"Site" means a place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of ruined or now nonextant building or structure of the location itself possesses historic cultural or archaeological significance.

"Special valuation for historic properties" or "special valuation" means the local option program which when implemented makes available to property owners a special tax valuation for rehabilitation of historic properties under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation. (Chapter 84.26 RCW).

"State Register of Historic Places" means the state listing of properties significant to the community, state, or nation but which may or may not meet the criteria of the National Register.

"Structure" means a work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an engineering project.

"Universal Transverse Macerator" or "UTM" means the grid zone in metric measurement providing for an exact point of numerical reference.

"Waiver of a certificate of appropriateness" or "waiver" means the document indicating that the commission has reviewed the proposed whole or partial demolition of a local register property or in a local register historic district and failing to find alternatives to demolition has issued a waiver of a certificate of appropriateness which allows the building or zoning official to issue a permit for demolition.

"Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties" or "State Advisory's Council's Standards" means the rehabilitation and maintenance standards used by the Cle Elum historic preservation commission as minimum requirements for determining whether or not a historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified. (Ord. 1229 § 3 (Exh. C (part)), 2005)

#### **15.22.040 Cle Elum historic commission.**

A. **Creation and Size.** There is hereby established a Cle Elum historic preservation commission, consisting of five members, as provided in subsection B of this section. Members of the Cle Elum historic preservation commission shall be appointed by the mayor and approved by the city council and at least three members of the commission shall live within the corporate limits of the City of Cle Elum, and the other members must reside within unincorporated Kittitas County, ly-

ing within the boundaries of Cle Elum-Roslyn School District No. 404, except as provided in subsection (B)(2) of this section.

#### **B. Composition of the Commission.**

1. All members of the commission must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgement.

2. The commission shall always include at least two professionals who have experience in identifying, evaluating, and protecting historic resources and are selected from among the disciplines of architecture, history, architectural history, historic preservation, planning, archaeology, anthropology, cultural geography, curation, real estate or related disciplines. The commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the professional positions, unless the commission action is related to meeting certified local government (CLG) responsibilities cited in the certification agreement between the mayor and the State Historic Preservation Officer on behalf of the state. Furthermore, exception to the residency requirement of commission members may be granted by the mayor and city council in order to obtain representatives from these disciplines.

3. In making appointments, the mayor may consider names submitted from any source, but the mayor shall notify history, city and county development related organizations of vacancies so that names of interested and qualified individuals may be submitted by such organizations for consideration along with names from any other source.

C. **Terms.** The original appointment of members to the commission shall be as follows: three for two years, and two for three years. Thereafter, appointments shall be made for a three year term. Vacancies shall be filled by the mayor for an unexpired term in the same manner as the original appointment.

D. **Powers and Duties.** The major responsibility of the historic preservation commission is to identify and actively encourage the conservation of the city's historic resources by initiating and



maintaining a register of historic places and reviewing proposed changes to register properties; to raise community awareness of the city's history and historic resources; and to serve as the city's primary resource in matters of history, historic planning, and preservation. In carrying out these responsibilities, the historic preservation commission shall engage in the following:

1. Conduct and maintain a comprehensive inventory of historic resources within the boundaries of the City of Cle Elum and known as the Cle Elum historic inventory, and publicize and periodically update inventory results. Properties listed on the inventory shall be recorded on official zoning records with an "HI" (for historic inventory designation). This designation shall not change or modify the underlying zone classification;
2. Initiate and maintain the Cle Elum register of historic places. This official register shall be compiled of buildings, structures, sites, objects, and districts identified by the commission as having historic significance worthy of recognition and protection by the City of Cle Elum and encouragement of efforts by owners to maintain, rehabilitate, and preserve properties;
3. Review nominations to the Cle Elum register of historic places according to criteria in CEMC Section 15.22.050 and adopt standards in its rules to be used to guide this review;
4. Review proposals to construct, change, alter, modify, remodel, move, demolish, or significantly affect properties or districts on the register as provided in CEMC Section 15.22.060; and adopt standards in its rules to be used to guide this review and the issuance of a certificate of appropriateness or waiver;
5. Provide for the review either by the commission or its staff of all applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to identified historic resources or adjacent properties;
6. Conduct all commission meetings in compliance with Chapter 42.30 RCW, Open Public Meetings Act, to provide for adequate public participation and adopt standards in its rules to guide this action;
7. Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic and prehistoric resources;
8. Establish liaison support, communication and cooperation with federal, state, and other local government entities which will further historic preservation objectives, including public education, within the Cle Elum area;
9. Review and comment to the city council on land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any agency of the City of Cle Elum, other neighboring communities, the county, the state or federal governments, as they relate to historic resources of the City of Cle Elum;
10. Advise the city council and the chief local elected official generally on matters of Cle Elum's history and historic preservation;
11. Perform other related functions assigned to the commission by the city council or the chief local elected official;
12. Provide information to the public on methods of maintaining and rehabilitating historic properties. This may take the form of pamphlets, newsletters, workshops, or similar activities;
13. Officially recognize excellence in the rehabilitation of historic buildings, structures, sites and districts, and new construction in historic areas; and encourage appropriate measures for such recognition;
14. Be informed about and provide information to the public and city departments on incentives for preservation of historic resources including legislation, regulations and codes which encourage the use and adaptive reuse of historic properties;
15. Review nominations to the State and National Registers of Historic Places;

16. Investigate and report to the city council on the use of various federal, state, local or private funding sources available to promote historic resource preservation in the City of Cle Elum;

17. Serve as the local review board for special valuation and:

a. Make determination concerning the eligibility of historic properties for special valuation,

b. Verify that the improvements are consistent with the Washington state advisory council's standards for rehabilitation and maintenance,

c. Enter into agreements with property owners for the duration of the special valuation period as required under WAC 254-20-070(2),

d. Approve or deny applications for special valuation,

e. Monitor the property for continued compliance with the agreement and statutory eligibility requirements during the ten-year special valuation period, and

f. Adopt bylaws and/or administrative rules and comply with all other local review board responsibilities identified in Chapter 84.26 RCW;

18. The commission shall adopt rules of procedure to address subsections (D)(3), (4), (6), and this subsection of this chapter.

E. Compensation. All members shall serve without compensation.

F. Rules and Officers. The commission shall establish and adopt its own rules of procedure, and shall select from among its membership a chairperson and such other officers as may be necessary to conduct the commission's business.

G. Commission Staff. Commission and professional staff assistance shall be provided by the city planner with additional assistance and information to be provided by other city departments as may be necessary to aid the commission in carrying out its duties and responsibilities under this chapter. (Ord. 1229 § 3 (Exh. C (part)), 2005)

#### **15.22.050 Cle Elum register of historic places.**

A. Criteria for Determining Designation in the Register. Any building, structure, site, object, or district may be designated for inclusion in the

Cle Elum register of historic places if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; if it has integrity; is at least fifty years old, or is of lesser age and has exceptional importance; and if it falls in at least one of the following categories:

1. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;

2. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;

3. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art;

4. Exemplifies or reflects special elements of the city's cultural, special, economic, political, aesthetic, engineering, or architectural history;

5. Is associated with the lives of persons significant in national, state, or local history;

6. Has yielded or may be likely to yield important archaeological information related to history or prehistory;

7. Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with an historic person or event;

8. Is a birthplace or grave of an historical figure of outstanding importance and is the only surviving structure or site associated with that person;

9. Is a cemetery that derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns;

10. Is a reconstructed building that has been executed in a historically accurate manner on the original site;

11. Is a creative and unique example of folk architecture and design created by persons not

formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories.

**B. Process for Designating Properties or Districts to the Cle Elum Register of Historic Places.**

1. Any person may nominate a building, structure, site, object, or district for inclusion in the Cle Elum register of historic places. Members of the historic preservation commission or the commission as a whole may generate nominations. In its designation decision, the commission shall consider the Cle Elum historic inventory and the Cle Elum comprehensive plan.

2. In the case of individual properties, the designation shall include the UTM reference and all features—interior and exterior—and outbuildings that contribute to its designation.

3. In the case of districts, the designation shall include description of the boundaries of the district; the characteristics of the district which justifies its designation; and a list of all properties including features, structures, sites, and objects which contribute to the designation of the district.

4. The historic preservation commission shall consider the merits of the nomination, according to the criteria in subsection A of this section and according to the nomination review standards established in rules, at a public meeting. Adequate notice will be given to the public, the owner(s) and the authors of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting according to standards for public meetings established in rules and in compliance with Chapter 42.30 RCW, Open Public Meetings Act. Such notice shall include publication in a newspaper of general circulation in Cle Elum and posting of the property. If the commission finds that the nominated property is eligible for the Cle Elum register of historic places, the commission shall make recommendation to the Cle Elum city council that the property be listed in the register with the owner's consent. In the case of historic districts, the commission shall consider a simple majority of property owners to be adequate for owner consent. Owner consent and notification

procedures in the case of districts shall be further defined in rules. The public, property owner(s) and the authors of the nomination, if different, and lessees, if any, shall be notified of the listing.

5. Properties listed on the Cle Elum register of historic places shall be recorded on official zoning records with an "HR" (for Historic Register) designation. This designation shall not change or modify the underlying zone classification.

**C. Removal of Properties from the Register.** In the event that any property is no longer deemed appropriate for designation to the Cle Elum register of historic places, the commission may initiate removal from such designation by the same procedure as provided for in establishing the designation, in subsection B of this section. A property may be removed from the Cle Elum register of historic places without the owner's consent.

**D. Effects of Listing on the Register.**

1. Listing on the Cle Elum register of historic places is an honorary designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as contributing properties to a historic district.

2. Prior to the commencement of any work on a register property, excluding ordinary repair and maintenance and emergency measures defined in CEMC Section 15.22.060(B), the owner must request and receive a certificate of appropriateness from the commission for the proposed work. Violation of this rule shall be grounds for the commission to review the property for removal from the register.

3. Prior to whole or partial demolition of a register property, the owner must request and receive a waiver of a certificate of appropriateness.

4. Once the City of Cle Elum is certified as a certified local government (CLG), all properties listed on the Cle Elum register of historic places may be eligible for special tax valuation on their rehabilitation, as provided in CEMC Section 15.22.070. (Ord. 1229 § 3 (Exh. C (part)), 2005)

### **15.22.060 Review of changes to Cle Elum register properties.**

A. **Review Required.** No person shall change the use, construct any new building or structure, or reconstruct, alter, restore, remodel, repair, move, or demolish any existing property on the Cle Elum register of historic places or within a historic district on the Cle Elum register without review by the commission and without receipt of a certificate of appropriateness, or in the case of demolition, a waiver, as a result of the review. The review shall apply to all features of the property, interior and exterior, that contribute to its designation and are listed on the nomination form. Information required by the commission to review the proposed changes is established in rules.

B. **Exemptions.** The following activities do not require a certificate of appropriateness or review by the commission: ordinary repair and maintenance—which includes painting—or emergency measures defined in CEMC Section 15.22.030.

#### **C. Review Process.**

1. **Requests for Review and Issuance of a Certificate of Appropriateness or Waiver.** The building or zoning official shall report any application for a permit to work on a designated Cle Elum register property or in a Cle Elum register historic district to the commission. If the activity is not exempt from review, the commission or professional staff shall notify the applicant of the review requirements. The building or zoning official shall not issue any such permit until a certificate of appropriateness or a waiver is received from the commission but shall work with the commission in considering building and fire code requirements.

2. **Commission Review.** The owner or his/her agent (architect, contractor, lessee, etc.) shall apply to the commission for a review of proposed changes on a Cle Elum register property or within a Cle Elum register historic district and request a certificate of appropriateness or, in the case of demolition, a waiver. Each application for review of proposed changes shall be accompanied by such information as is required by the commission

established in its rules for the proper review of the proposed project. The commission shall meet with the applicant and review the proposed work according to the design review criteria established in rules. Unless legally required, there shall be no notice, posting, or publication requirements for action on the application, but all such actions shall be made at regular meetings of the commission. The commission shall complete its review and make its recommendations within thirty calendar days of the date of receipt of the application. If the commission is unable to process the request, the commission may ask for an extension of time. The commission's recommendations shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. If the owner agrees to the commission's recommendations, a certificate of appropriateness shall be awarded by the commission according to standards established in the commission's rules. The commission's recommendations and, if awarded, the certificate of appropriateness shall be transmitted to the building or zoning official. If a certificate of appropriateness is awarded, the building or zoning official may then issue the permit.

3. **Demolition.** A waiver of the certificate of appropriateness is required before a permit may be issued to allow whole or partial demolition of a designated Cle Elum register property or in a Cle Elum register historic district. The owner or his/her agent shall apply to the commission for a review of the proposed demolition and request a waiver. The applicant shall meet with the commission in an attempt to find alternatives to demolition. These negotiations may last no longer than forty-five calendar days from the initial meeting of the commission, unless either party requests an extension. If no request for an extension is made and no alternative to demolition has been agreed to, the commission shall act and advise the official in charge of issuing a demolition permit of the approval or denial of the waiver of a certificate of

appropriateness. Conditions in the case of granting a demolition permit may include allowing the commission up to forty-five additional calendar days to develop alternatives to demolition. When issuing a waiver the board may require the owner to mitigate the loss of the Cle Elum register property by means determined by the commission at the meeting. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. After the property is demolished, the commission shall initiate removal of the property from the register.

4. Appeal of Approval or Denial of a Waiver of a Certificate of Appropriateness. The commission's decision regarding a waiver of a certificate of appropriateness may be appealed to the city council within ten days. The appeal must state the grounds upon which the appeal is based. The appeal shall be reviewed by the council only on the records of the commission. Appeal of council's decision regarding a waiver of a certificate of appropriateness may be appealed to superior court. (Ord. 1229 § 3 (Exh. C (part)), 2005)

**15.22.070 Review and monitoring of properties for special property tax valuation.**

**A. Time Lines.**

1. Applications shall be forwarded to the commission by the assessor within ten calendar days of filing.

2. Applications shall be reviewed by the commission before December 31 of the calendar year in which the application is made.

3. Commission decisions regarding the applications shall be certified in writing and filed with the assessor within ten calendar days of issuance.

**B. Procedure.**

1. The assessor forwards the application(s) to the commission;

2. The commission reviews the application(s), consistent with its rules of procedure, and determines if the application(s) are complete and if the properties meet the criteria set forth in WAC 254-20-070(1) and listed in subsection C of this section:

a. If the commission finds the properties meet all the criteria, then, on behalf of the City of Cle

Elum, it enters into a historic preservation special valuation agreement (set forth in WAC 254-20-120 and in subsection D of this section with the owner. Upon execution of the agreement between the owner and commission, the commission approves the application(s),

b. If the commission determines the properties do not meet all the criteria, then it shall deny the application(s);

3. The commission certifies its decisions in writing and states the facts upon which the approvals or denials are based and files copies of the certifications with the assessor;

**4. For approved applications:**

a. The commission forwards copies of the agreements, applications, and supporting documentation (as required by WAC 254-20-090(4) and identified in subsection (C)(2) of this section to the assessor,

b. Notifies the state review board that the properties have been approved for special valuation, and

c. Monitors the properties for continued compliance with the agreements throughout the ten-year special valuation period;

5. The commission determines, in a manner consistent with its rules of procedure, whether or not properties are disqualified from special valuation either because of:

a. The owner's failure to comply with the terms of the agreement, or

b. Because of a loss of historic value resulting from physical changes to the building or site;

6. For disqualified properties, in the event that the commission concludes that a property is no longer qualified for special valuation, the commission shall notify the owner, assessor, and state review board in writing and state the facts supporting its findings.

**C. Criteria.**

1. Historic Property Criteria. The class of historic property eligible to apply for special valuation in Cle Elum means all properties listed on the National Register of Historic Places or certified as contributing to a National Register His-

toric District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW, until Cle Elum becomes a certified local government (CLG). Once a CLG, the class of property eligible to apply for special valuation in Cle Elum means all properties listed on the Cle Elum register of historic places or properties certified as contributing to a local register historic district which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

2. Application Criteria. Complete applications shall consist of the following documentation:

a. A legal description of the historic property;

b. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation;

c. Architectural plans or other legible drawings depicting the completed rehabilitation work;

d. A notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed and documentation of both to be made available to the commission upon request; and

e. For properties located within historic districts, in addition to the standard application documentation, a statement from the secretary of the interior or appropriate local official, as specified in local administrative rules or by the local government, indicating the property is a certified historic structure is required.

3. Property Review Criteria. In its review the commission shall determine if the properties meet all the following criteria:

a. The property is historic property;

b. The property is included within a class of historic property determined eligible for special valuation by the City of Cle Elum under this section;

c. The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) (and identified in subsection (C)(4) of this section) within twenty-four months prior to the date of application;

d. The property has not been altered in any way which adversely affects those elements which qualify it as historically significant as determined by applying the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties (WAC 254-20-100(1) and listed in subsection (C)(4) of this section).

4. Rehabilitation and Maintenance Criteria. The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties in WAC 254-20-100 shall be used by the commission as minimum requirements for determining whether or not a historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

D. Agreement. The historic preservation special valuation agreement in WAC 254-20-120 shall be used by the commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).

E. Appeals. Any decision of the commission acting on any application for classification as historic property, eligible for special valuation, may be appealed to superior court under Chapter 34.04.130 RCW in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization. (Ord. 1229 § 3 (Exh. C (part)), 2005)

#### **15.22.080 Relationship to zoning.**

Properties designated to the register shall be subject to the provisions set forth in this chapter, as well as the use, setback and other controls of the zoning district in which they are located. Nothing contained herein shall be construed to repeal,

modify or waive any zoning provisions that are or may otherwise apply to or affect the designated property. (Ord. 1229 § 3 (Exh. C (part)), 2005)





## Chapter 15.24

### FLOOD HAZARD PREVENTION

#### Sections:

- 15.24.010 Statutory authorization.
- 15.24.020 Findings of fact.
- 15.24.030 Purpose.
- 15.24.040 Definitions.
- 15.24.050 Applicability of provisions.
- 15.24.060 Area of special flood hazard—Establishment.
- 15.24.070 Interpretation of provisions.
- 15.24.080 Liability—Disclaimer.
- 15.24.090 Abrogation of easements.
- 15.24.100 Flood loss reduction methods generally.
- 15.24.110 Development permit—Required.
- 15.24.120 Administration—Designated.
- 15.24.130 Administration—Duties.
- 15.24.140 Construction and development standards—Generally.
- 15.24.145 Critical facility.
- 15.24.150 Construction and development—Residential and nonresidential—Manufactured homes.
- 15.24.155 Wetlands management.
- 15.24.160 Floodway location.
- 15.24.170 Variance and appeals procedure.
- 15.24.180 Violation—Penalty.

#### 15.24.010 Statutory authorization.

The Legislature of the state of Washington has delegated responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. (Ord. 865 § 1.1, 1987)

#### 15.24.020 Findings of fact.

A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of

commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 865 § 1.2, 1987)

#### 15.24.030 Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 865 § 1.3, 1987)

#### 15.24.040 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common us-

age and to give this chapter its most reasonable application:

“Appeal” means a request for a review of the city clerk’s interpretation of any provision of this chapter or a request for a variance.

“Area of shallow flooding” means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

“Area of special flood hazard” means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “one-hundred-year flood.” Designation on maps always includes the letters A or V.

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials, located within the area of special flood hazard.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found in subsection A(2) of Section 15.24.150.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes “manufactured home” also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes, “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this chapter.

“Recreational vehicle” means a vehicle which is built on a single chassis, four hundred square feet or less when measured at the largest horizontal projection, designed to be self propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary

living quarters for recreational, camping, travel or seasonal use.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" means a walled and roofed building including a gas or liquid storage tank that is principally aboveground.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or

- b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. (Ord. 1185, § 1, 2, 2002; Ord. 889 (part), 1988; Ord. 865 § 2, 1987)

#### **15.24.050 Applicability of provisions.**

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city of Cle Elum. (Ord. 865 § 3.1, 1987)

#### **15.24.060 Area of special flood hazard—Establishment.**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Kittitas County," dated November 5, 1980, with accompanying flood insurance map is adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the Kittitas County Courthouse, Ellensburg, Washington. (Ord. 865 § 3.2, 1987)

#### **15.24.070 Interpretation of provisions.**

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 865 § 3.5, 1987)

#### **15.24.080 Liability—Disclaimer.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or

uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made under this chapter. (Ord. 865 § 3.6, 1987)

#### **15.24.090 Abrogation of easements.**

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 865 § 3.4, 1987)

#### **15.24.100 Flood loss reduction methods generally.**

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas. (Ord. 865 § 1.4, 1987)

#### **15.24.110 Development permit—Required.**

A. Development Permit Required. A development permit shall be obtained before construction or

development begins within any area of special flood hazard established in Section 15.24.060. The permit shall be for all structures including manufactured homes, as set forth in the "definitions," and for all development including fill and other activities, also as set forth in the "definitions."

B. Application for Development Permit. Application for a development permit shall be made on forms furnished by the city clerk and may include but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question: existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

2. Elevation in relation to mean sea level to which any structure has been floodproofed;

3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection B of Section 15.24.150; and

4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. (Ord. 865 § 4.1, 1987)

#### **15.24.120 Administration—Designated.**

The city planner is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 1185, § 3, 2002; Ord. 865 § 4.2, 1987)

#### **15.24.130 Administration—Duties.**

Duties of the city planner shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;

2. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required;

3. Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of subsection B of Section 15.24.160 are met.

**B. Use of Other Base Flood Data.** When base flood elevation data has not been provided in accordance with Section 15.24.060, the city planner shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 15.24.150 and 15.24.160.

**C. Information to be Obtained and Maintained.**

1. Where base flood elevation data is provided through the flood insurance study or required as in subsection B of this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved flood-proofed structures:

a. Verify and record the actual elevation (in relation to mean sea level), and

b. Maintain the floodproofing certifications required in subsection B(3) of Section 15.24.110.

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

**D. Alteration of Watercourses.**

1. Notify adjacent communities and the state of Washington Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

2. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

**E. Interpretation of FIRM Boundaries.** Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section

15.24.170. (Ord. 1185, § 4, 2002; Ord. 865 § 4.3, 1987)

#### **15.24.140 Construction and development standards—Generally.**

In all areas of special flood hazard the following standards are required:

**A. Anchoring.**

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

**B. Construction Materials and Methods.**

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**C. Utilities.**

1. All new and replacement water systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**D. Subdivision Proposals.**

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).

E. Review of Building Permits. Where elevation data is not available either through the flood insurance study or from another authoritative source (subsection B of Section 15.24.130), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates. (Ord. 865 § 5.1, 1987)

#### **15.24.145 Critical facility.**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the base flood plain. Construction of new critical facilities shall be permissible within the base flood plain if no feasible alternative site is available. Critical facilities constructed within the base flood plain shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood plain shall be provided to all critical facilities to the extent possible. (Ord. 900 § 1 (part), 1989; Ord. 889 (part), 1988)

#### **15.24.150 Construction and development— Residential and nonresidential— Manufactured homes.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.24.060 or 15.24.130(B), the following provisions are required:

##### **A. Residential Construction.**

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

3. Interior grades below the lowest exterior grade are prohibited unless the interior grade is above the base flood elevation. Below grade crawlspaces are permitted subject to the following criteria:

a. The interior grade is not more than two feet below the lowest exterior grade.

b. The height of the below grade crawlspace, as measured from the interior grade to the top of the crawlspace foundation wall, must not exceed four feet at any point.

c. There must be an adequate drainage system that removes interior floodwaters.

d. The velocity of floodwaters is not more than five feet per second.

B. Nonresidential Construction. New construction and substantial improvement of any commercial,

industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrostatic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in subsection C(2) of Section 15.24.130;

4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection A(1) of this section.

5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

C. **Manufactured Homes.** All manufactured homes to be placed or substantially improved within zones A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection A(2) of Section 15.24.140.

D. **Recreational Vehicles:** Recreational vehicles, where authorized by the city of Cle Elum, placed on sites are required to:

1. Be on site for fewer than one hundred eighty consecutive days; and

2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security

devices and has no permanently attached additions. (Ord. 1185, § 5. 6, 2002; Ord. 865 § 5.2, 1987)

#### **15.24.155 Wetlands management.**

To the maximum extent possible, to avoid the short-term and long-term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetland to alleviate flooding impacts, the following process should be implemented:

- A. Review proposals for development within base flood plains for their possible impacts on wetlands located within the flood plain;

- B. Ensure that development activities in or around wetlands do not negatively affect public safety, health and welfare by disrupting the wetlands' ability to reduce flood and storm drainage.

- C. Request technical assistance from the Department of Ecology in identifying wetland areas. Existing wetland map information from the National Wetlands Inventory (NWI) can be used in conjunction with the community's FIRM to prepare an overlay zone indicating critical wetland areas deserving special attention. (Ord. 889 (part), 1988)

#### **15.24.160 Floodway location.**

Located within areas of special flood hazard established in Section 15.24.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge:

- B. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

1. Repairs, reconstruction or improvements to a structure which do not increase the ground floor area; and

2. Repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure either:

a. Before the repair, reconstruction or repair is started, or

b. If the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary or safety codes or to structures identified as historic places shall not be included in the fifty percent.

C. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 15.24.150, provisions for flood hazard reduction. (Ord. 865 § 5.3, 1987)

#### **15.24.170 Variance and appeals procedure.**

##### **A. Appeal Board.**

1. The city council shall hear and decide appeals and the city planner shall consider requests for variances from the requirements of this chapter.

2. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the city planner in the enforcement or administration of this chapter.

##### **3. Repealed.**

4. In passing upon such applications, the city shall consider all technical evaluations, all relevant factors standards specified in other sections of this chapter; and:

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location, where applicable;

f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

g. The compatibility of the proposed use with existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

5. Upon consideration of the factors of subdivision 4 of this subsection and the purposes of this chapter, the city may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this chapter.

6. The city planner shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

##### **B. Conditions for Variances.**

1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items a through k of subdivision 4 of subsection A of this section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.



4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon:

a. A showing of good and sufficient cause;  
b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (A)(4) of this section or conflict with existing local laws or ordinances.

6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subdivision 1 of this subsection, and otherwise complies with subsections A and B of Section 15.24.140.

8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 1185, § 7, 2002; Ord. 865 § 4.4, 1987)

applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction be fined not more than five thousand dollars for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing contained in this chapter shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 865 § 3.3, 1987)

#### **15.24.180 Violation—Penalty.**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other

**Chapter 15.28****ENVIRONMENTAL POLICY****Sections:****Article I. General Provisions**

- 15.28.010 Title.**
- 15.28.020 Purpose.**
- 15.28.030 Definitions—Adoption by reference.**
- 15.28.040 Additional definitions.**
- 15.28.050 General policies.**
- 15.28.060 Specific policies.**
- 15.28.065 Rules.**

**Article II. SEPA Process—General Requirements.**

- 15.28.070 Purpose—Adoption by reference.**
- 15.28.080 Designation of responsible official.**
- 15.28.090 Lead agency determination and responsibilities.**
- 15.28.100 Timing of the SEPA process and integration of SEPA procedures with other governmental activities.**
- 15.28.110 Additional considerations in applicable time limits.**

**Article III. Categorical Exemptions and Threshold Determinations**

- 15.28.120 Purpose—Adoption by reference.**
- 15.28.130 Flexible thresholds for categorical exemptions.**
- 15.28.140 Use of categorical exemptions.**
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- 15.28.160 Mitigated DNS.**

**Article IV. Environmental Impact Statement (EIS)**

- 15.28.170 Adoption by reference.**
- 15.28.180 Preparation of EIS—Additional considerations.**

**Article V. Commenting**

- 15.28.190 Adoption by reference.**
- 15.28.200 Public notice.**
- 15.28.210 Designation of official to perform consulted agency responsibilities for the city.**

**Article VI. Using Existing Environmental Documents**

- 15.28.220 Adoption by reference.**

**Article VII. SEPA and Agency Decisions**

- 15.28.230 Adoption by reference.**
- 15.28.240 Substantive authority.**
- 15.28.245 Adoption of SEPA policies.**
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**Article VIII. Categorical Exemption**

- 15.28.270 Adoption by reference.**

**Article IX. Agency Compliance**

- 15.28.280 Adoption by reference.**
- 15.28.290 Environmentally sensitive areas.**
- 15.28.300 Fees.**

**Article X. Forms**

- 15.28.310 Adoption by reference.**

**Article XI. Third Liability**

- 15.28.320 Third party liability.**

**Article XII. Hearing Examiners For Review of SEPA Actions**

- 15.28.365 Dismissal—Exhaustion.**
- 15.28.400 Appeal of city's decision.**

**Article I. General Provisions**

- 15.28.010 Title.**

The ordinance codified in this chapter shall hereinafter be known as the "city environmental policy ordinance," may be cited as such, and will hereinafter

be referred to as "this chapter." (Ord. 1085 § 2 (part), 1999)

**15.28.020 Purpose.**

The purpose of this chapter is to establish a clearly understood and effective set of policies and procedures for implementing the State Environmental Policy Act as set forth in RCW 43.21C, through the adoption of city environmental policies, and rules and procedures designed to take into consideration the environmental impact of actions taken by the city. The city adopts the ordinance codified in this chapter under the State Environmental Policy Act SEPA, RCW 43.21C.120, and the SEPA Rules, WAC 197-11-904. (Ord. 1085 § 2 (part), 1999)

**15.28.030 Definitions—Adoption by reference.**

This article contains uniform usage and defini-



tions of terms under SEPA. The city adopts the following sections of WAC Chapter 197-11 by reference as supplemented by Section 15.28.040:

#### WAC

197-11-700	Definitions
197-11-702	Act
197-11-704	Action
197-11-706	Addendum
197-11-710	Affected tribe
197-11-712	Affecting
197-11-714	Agency
197-11-716	Applicant
197-11-718	Built environment
197-11-720	Categorical exemption
197-11-721	Closed Record Appeal
197-11-722	Consolidated appeal
197-11-724	Consulted agency
197-11-726	Cost-benefit analysis
197-11-728	County/City
197-11-730	Decisionmaker
197-11-732	Department
197-11-734	Determination of Nonsignificance (DNS)
197-11-736	Determination of significance (DS)
197-11-738	EIS
197-11-740	Environment
197-11-742	Environmental checklist
197-11-744	Environmental document
197-11-746	Environmental review
197-11-748	Environmentally sensitive area
197-11-750	Expanded scoping
197-11-752	Impacts
197-11-754	Incorporation by reference
197-11-756	Lands covered by water
197-11-758	Lead agency
197-11-760	License
197-11-762	Local Agency
197-11-764	Major action
197-11-766	Mitigated DNS
197-11-768	Mitigation
197-11-770	Natural environment
197-11-772	NEPA
197-11-775	Open Record Hearing
197-11-776	Phased review

197-11-778	Preparation
197-11-780	Private project
197-11-782	Probable
197-11-784	Proposal
197-11-786	Reasonable alternative
197-11-788	Responsible Official
197-11-790	SEPA
197-11-792	Scope
197-11-793	Scoping
197-11-794	Significant
197-11-796	State agency
197-11-797	Threshold determination
197-11-799	Underlying governmental action

(Ord. 1085 § 2 (part), 1999)

#### 15.28.040 Additional definitions.

In addition to those definitions contained within WAC 197-11-700 through 799, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

"City" means the city of Cle Elum.

"Days" means calendar days unless stated otherwise.

"Department" means any division, subdivision or organizational unit of the city established by ordinance, rule or order.

"Early notice" means the city's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated DNS procedures).

"Nondiscretionary project" means a project which does not involve an action which would grant the applicant any development rights which do not exist within zoning of the property at the time an application for development is submitted and includes, but is not limited to, grading permits and demolition permits.

"Nonexempt action" means any action which is not categorically exempt under Article III of this chapter or Part Nine of the SEPA rules.

"Ordinance" means the ordinance, resolution or other procedure used by the city to adopt regulatory requirements.

"Responsible official" means the person designated by the mayor who shall carry out the duties and

functions of the city when it is acting as the lead agency under this chapter. (See Section 15.28.080 for designation of responsible official.)

"SEPA rules" means WAC Chapter 197-11 adopted by the state of Washington Department of Ecology and as may be herein after amended. (Ord. 1085 § 2 (part), 1999)

#### **15.28.050 General policies.**

The city adopts by reference the general policies of the State Environmental Policy Act SEPA as set forth in RCW 43.21C.010 and RCW 43.21C.020 and as may be herein after amended. (Ord. 1085 § 2 (part), 1999)

#### **15.28.060 Specific policies.**

The city adopts the following specific policies in order to achieve the environmental goals of the Cle Elum community:

##### **A. Policies Pertaining to the Natural Environment.**

###### **1. Earth.**

a. To encourage land development practices that result in a minimal disturbance to the city's vegetation and soils;

b. To encourage building and site planning practices that are consistent with the city's natural topographical features;

c. To insure prompt development, restoration and effective erosion control of property after land clearing through the use of phased development, replanting, hydroseeding and other appropriate engineering techniques;

d. Prohibit development on steep slope areas when such development would create imminent danger of landslides.

###### **2. Air.**

a. To work in cooperation with the air pollution control agency having jurisdiction over the proposal, to secure and maintain such levels of air quality as will protect human health and safety and to the greatest degree practicable, prevent injury to plant and animal life and to property, foster the comfort and convenience of inhabitants, promote the economic and social development of the city, and facili-

tate the enjoyment of the natural attractions of the city.

###### **3. Water.**

a. To encourage development and construction procedures which conform to the Kittitas County Code as such may be amended or superseded, to minimize surface water and ground water runoff and diversion and to minimize erosion and reduce the risk of slides;

b. To encourage sound development guidelines and construction procedures which respect and preserve the city's watercourses; to minimize water quality degradation and control the sedimentation of creeks, streams, ponds, lakes and other water bodies; to preserve and enhance the suitability of waters for contact recreation and fishing; to preserve and enhance the aesthetic quality of the waters;

c. To maintain and protect ground water resources, to minimize adverse effects of alterations in ground water quantities locations and flow patterns;

d. To provide a coordinated water supply plan with adjoining municipalities, special purpose districts, Kittitas County, private water purveyors, and land owners with water rights, provisions for interlocal agreements, joint/mutual assistance, and improvements to existing city facilities, and further joint public/private/regional water supply and treatment strategies and actions to comply with federal, state, and local water quality and drinking water standards.

###### **4. Plants and Animals.**

a. To protect the unique plants and animals within the city;

b. To preserve and enhance the city's physical and aesthetic character by preventing indiscriminate removal or destruction of trees and ground cover on undeveloped and partially developed property;

c. To encourage the retention of trees and other vegetation for visual buffers and soil retention;

d. To encourage building and site planning practices that are consistent with the city's vegetational features while at the same time recognizing that certain factors such as condition (e.g., disease, danger of falling, etc.), proximity to existing and pro-

posed structures and improvements, interference with utility services, protection of scenic views, and the realization of a reasonable enjoyment of property may require the removal of certain trees and ground cover.

#### 5. Energy and Natural Resources.

a. To encourage the wise use of nonrenewable natural resources;

b. To encourage efficient use of renewable resources;

c. To incorporate energy conservation features as feasible and practicable into all city projects and promote energy conservation throughout the community.

#### B. Policies Pertaining to the Built Environment.

##### 1. Environmental Health.

a. To encourage development practices consistent with development standards of the city, Kittitas County and interlocal agreements as such may be amended or superseded. To minimize the exposure of citizens to the harmful physiological and psychological effects of excessive noise in a manner which promotes commerce; the use, value and enjoyment of property; sleep and repose; and the quality of the environment, including fish and wildlife functions, values, features and habitat;

b. To require proposals involving the potential risk of an explosion or the release of hazardous substances to the environment to include specific measures which will ensure the public health, safety and welfare;

c. To restrict or prohibit uses which will expose the public to unsanitary conditions or disease;

d. To restrict or prohibit uses which are dangerous to health, safety or property in times of flood or cause excessive increases in flood heights or velocities;

e. To require that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction;

f. To meet the minimum requirements of the National Flood Insurance Program and State of Washington Flood Control Program.

##### 2. Land and Shoreline Use.

a. Relationship to land use plans and estimated population:

i. To implement and further the city's comprehensive plans as may hereafter be amended, including the land use plan, transportation plan, utilities plan, open space, parks and recreation plan, and other plans consistent with ongoing city facility plan or utility-related projects and places,

ii. To encourage orderly growth in undeveloped areas of the city by maximizing the efficiency of utilities and roads and other capital improvements;

##### b. Housing.

i. To encourage the provision and maintenance of adequate housing for the residents of Cle Elum, for all income levels,

ii. To evaluate impacts of new nonresidential development which would reduce existing housing stock or reduce land available for residential development;

##### c. Light and Glare.

i. To minimize excessive light and glare;

##### d. Aesthetics.

i. To encourage development which maintains and improves the existing aesthetic character of the community,

ii. To maximize protection of existing public scenic vistas and scenic corridors;

##### e. Recreation.

i. To protect the existing open space areas for future generations and promote their expansion;

##### f. Historic and Cultural Preservation.

i. To consider the historical and archaeological importance of all buildings and sites prior to any change in use or development, and to recognize properties and structures included in any future survey of historic buildings or as such may be amended or superseded, as properties of historical significance.

##### 3. Transportation.

a. To approve street designs which are beneficial to the public in consideration of vehicular and pedestrian safety, efficiency of service, influence on the amenities and livability of the community, and economy of both construction and the use of land;

b. To encourage increased traffic volumes only in areas with sufficient capacity to provide safe and efficient traffic flow or where adequate traffic improvements will be provided in conjunction with the development. To require adequate vehicular and pedestrian access to new developments, and minimize pedestrian-vehicular conflict points.

**4. Public Services and Utilities.**

a. To encourage and approve development only where adequate public services, including fire and police protections are available or will be made available to serve the proposal;

b. To encourage and approve development only where adequate utilities, including water, sewer, power, communications and drainage facilities are available or will be made available in conjunction with the proposal following inclusion within the city's growth area and after annexation into the city or the execution of a no-protest annexation plan that allows for municipal utility sewers for properties on-site the city of Cle Elum;

c. To protect the existing open space areas for future generations and promote their expansion.

**C. Other Policies.**

1. To minimize the reduction of available natural light due to the casting of shadows by new development;

2. To encourage planned residential development to preserve and maintain sensitive environmental areas which could be negatively impacted by traditional development techniques;

3. A single development or land use, though otherwise consistent with zoning and other city policies, may create adverse impacts upon facilities and services, natural systems or the surrounding area when aggregated with the impacts of prior or other proposed development. It is the policy of the city to analyze such cumulative environmental impacts and condition or deny proposals to minimize or prevent adverse impacts in accordance with other provisions of this chapter;

4. In assessing the environmental impacts of a proposal and in determining the need for conditioning or denying a proposal in accordance with other provisions of this chapter, the responsible official

shall utilize SEPA, all policies, guidelines and regulations adopted pursuant to SEPA, federal, state and regional environmental quality standards, and the legislative enactments of the city, both specific and general, now in effect or enacted in the future;

5. The city reserves the right to impose specific conditions upon any action or to deny action in conformance with the policies stated in this chapter, so as to mitigate or prevent adverse environmental impacts;

6. It is not the intent or purpose of this chapter to prevent or delay the reasonable development of land in the city;

7. It is the intent of the city to provide for adequate development standards and procedure for the Bull Frog Subarea following the adoption of an urban growth area which upon adoption are incorporated by reference in this chapter. (Ord. 1085 § 2 (part), 1999)

**15.28.065 Rules.**

The city is authorized to promulgate rules for the interpretation and implementation of this chapter through administrative rules adopted by the responsible official, and resolutions or ordinances adopted by the city council. (Ord. 1085 § 2 (part), 1999)

**Article II. SEPA Process—General Requirements**

**15.28.070 Purpose—Adoption by reference.**

This article contains general requirements that apply to the SEPA process, subject to the additional provisions contained in this article, the city adopts the following sections of WAC Chapter 197-111 by reference:

**WAC**

197-11-040	Definitions
197-11-050	Lead agency
197-11-055	Timing of the SEPA process
197-11-060	Content of environmental review
197-11-070	Limitations on action during SEPA process



- 197-11-080 Incomplete or unavailable information
- 197-11-090 Supporting documents
- 197-11-100 Information required of applicants (Ord. 1085 § 2 (part), 1999)

**15.28.080 Designation of responsible official.**

A. For those proposals for which the city is the lead agency, the responsible official shall be the city's mayor or designated official.

B. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required EIS, and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference.

C. The city shall retain all documents required by the SEPA rules (WAC Chapter 197-11) and make them available in accordance with RCW Chapter 42.17.

D. Public information on SEPA can be obtained at the lead agency through the Cle Elum city clerk's office, Cle Elum City Hall, 301 Pennsylvania, Cle Elum, WA, 98922. (Ord. 1085 § 2 (part), 1999)

**15.28.090 Lead agency determination and responsibilities.**

A. When the city receives for or initiates a proposal that involves a nonexempt action, the responsible official shall determine the lead agency for that proposal under WAC 197-11-050 and WAC 197-11-922 through WAC 197-11-940. This determination shall be made for each proposal involving a nonexempt action unless the lead agency has been previously determined or the responsible official is aware that another agency is in the process of determining the lead agency.

B. When the city is the lead agency for a proposal, the responsible official shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the draft and final EIS.

C. When the city is not the lead agency for a proposal, all departments of the city shall use and

consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. The city shall not prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless the city determines it to be required under WAC 197-11-600. In some cases, the city may require or conduct supplemental environmental review under WAC 197-11-600.

D. If the city receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the city must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the city may be initiated by the responsible official.

E. The responsible official is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944.

F. In making a lead agency determination for a private project, the responsible official shall identify which other agencies have jurisdiction over the proposal. (Ord. 1085 § 2 (part), 1999)

**15.28.100 Timing of the SEPA process and integration of SEPA procedures with other governmental activities.**

A. The primary purpose of the environmental review process is to provide environmental information to governmental decision makers to be considered prior to making their decision (and to provide for appropriate mitigation of environmental impacts in compliance with other sections of this chapter and the SEPA rules). The actual decision to proceed with many actions may involve a series of individual approvals or decisions. The threshold determination and the EIS, if required, should ideally be completed at the beginning of this process. The threshold determination and the EIS (if required) should

be completed at the earliest point in the planning and decision making process, at which time, principal features of a proposal and its environmental impacts can be reasonably identified.

B. To the fullest extent possible, the procedures required by this chapter shall be integrated with existing planning and licensing procedures utilized by the city. These procedures should be initiated early, and undertaken in conjunction with other governmental operations to avoid lengthy time delays and unnecessary duplication of effort.

C. 1. A private applicant may, and is encouraged to, file a completed environmental checklist prior to the filing of an application for any covered license. The city shall provide for applicant review at the conceptual stage of a proposed action. An applicant shall submit a preliminary site plan in conjunction with a completed environmental checklist for SEPA review at the conceptual stage.

2. If the responsible official determines that the information initially supplied is not reasonably sufficient to evaluate the environmental impacts of the proposal, further information may be required of the applicant in conformance with WAC 197-11-100 and WAC 197-11-335.

3. The responsible official may set reasonable deadlines, not to exceed ninety days, for the submittal of information, studies or documents necessary for the threshold determination. Failure to meet such deadlines and fully comply shall cause the application to be deemed withdrawn. In which case, the responsible official shall either notify the applicant or return the plans or other data submitted to the city for review together with any unexpended portion of the application review fee. This provision shall also apply to SEPA applications submitted prior to the effective date of the ordinance codified in this chapter, amendment subject to the responsible official providing the applicant notice of pertinent deadlines.

D. At a minimum, any DNS or MDNS shall be completed prior to the city making any decision irreversibly committing itself to adopt, approve or otherwise undertake any proposed nonexempt action.

E. For nonexempt proposals, the final DNS, MDNS or final EIS for the proposal shall accompany the city's final staff recommendation to any appropriate advisory body, such as the planning commission; provided; however, that preliminary discussions, public workshops or preliminary hearings before the advisory body may occur prior to the final SEPA determinations.

F. When the city is the proponent for either a governmental action of a project nature or a governmental action of a nonproject nature, and the city is also the lead agency, then the maximum time limits contained in this chapter for the threshold determination and EIS process shall not apply to the proposal. (Ord. 1085 § 2 (part), 1999)

#### **15.28.110 Additional considerations in applicable time limits.**

The responsible official shall make the following determinations as part of the initial review of every nonexempt project or proposal:

A. Categorical Exemptions. A determination whether the project or proposal is categorically exempt shall be made by the responsible official within fifteen days of receiving a request for such a determination from a private applicant or another governmental agency.

B. Threshold Determinations. The city's SEPA process is an integrated permit and land use process. Nevertheless, the time to complete a threshold determination shall not exceed ninety days from the date of submittal of a completed application and supporting documentation and payment of fees; provided, however, additional time to complete a threshold determination may be required whenever:

1. A threshold determination requires further information from the applicant and/or consultation with other agencies with jurisdiction, as determined by the responsible official, in which case the running of the ninety-day period shall be stayed until the required information and/or consultation is provided;

2. A threshold determination requires further studies, including field investigations initiated by the city, in which case the running of the ninety-day

period shall be stayed until the required studies are provided;

3. A threshold determination on an action where the applicant recommends in writing that an EIS be prepared because of the probable significant adverse environmental impact described in the application;

4. The applicant requests an extension (not to exceed an additional thirty days); or

5. If the applicant revises the application and such revision requires recirculation or additional analysis, the ninety-day period shall commence upon submittal of the revised application.

Any time limits set forth in this subsection shall not apply to withdrawal of alternative and negative threshold determinations (DS, DNS) where such withdrawals are made in accordance with WAC 197-11-340 and 197-11-360; and

For purposes of the ninety-day period, an application and supporting documentation is deemed complete at such time as the responsible official issues a certification of completion. Such certification will be issued in accordance with an administrative rule adopted by the responsible official. Upon issuance of a certification of completion, the certification shall only be withdrawn in the following circumstances:

a. There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts;

b. There is significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; or

c. The certification of completion was procured by misrepresentation or lack of material disclosure.

In the event that a certificate of completion is withdrawn and the responsible official determines that additional information is needed to process the application, the applicant shall be so notified, and the ninety-day period stayed pending receipt of the requested information by the city.

Upon request by an applicant, the responsible official shall select a date for making the threshold determination and notify the applicant of such date in writing. (Ord. 1085 § 2 (part), 1999)

### **Article III. Categorical Exemptions and Threshold Determinations**

#### **15.28.120 Purpose—Adoption by reference.**

This article contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This article also contains rules for evaluating the impacts of proposals not requiring an EIS. Subject to the additional provisions contained in this article, the city adopts the following sections of WAC Chapter 197-11 by reference:

#### **WAC**

197-11-300	Purpose of this part
197-11-305	Categorical exemptions
197-11-310	Threshold determination required
197-11-315	Environmental checklist
197-11-330	Threshold determination process
197-11-335	Additional information
197-11-340	Determination of Nonsignificance (DNS)
197-11-350	Mitigated DNS
197-11-355	Optional DNS Process
197-11-360	Determination of significance (DS)/initiation of scoping
197-11-390	Effect of threshold determination

(Ord. 1085 § 2 (part), 1999)

#### **15.28.130 Flexible thresholds for categorical exemptions.**

The following exempt levels are established for minor new construction in the city: under WAC 197-11-8(1)(b) based on conditions in the city:

A. For residential dwelling units in WAC 197-11-800(1)(b)(ii): up to four dwelling units;

B. For agricultural structures in WAC 197-11-800(1)(b)(ii): up to ten thousand square feet;

C. For office, school, commercial, recreational, public, utility, service or storage buildings in WAC 197-11-800(1)(b)(iii): up to twelve thousand square feet and up to twenty parking spaces;

D. For parking lots in WAC 197-11-800(1)(b)(iv): up to twenty parking spaces;

E. For landfills and excavations in WAC 197-11-800(b)(v): up to five hundred cubic yards. (Ord. 1085 § 2 (part), 1999)

#### **15.28.140 Use of categorical exemptions.**

A. The applicability of the exemptions shall be determined by the responsible official for each application received for a license, or for each governmental proposal initiated by the city. The determination of whether or not a proposal is exempt shall be made by ascertaining that the proposal is properly defined and by identifying the governmental license required (WAC 197-11-060). The responsible official's determination that a proposal is exempt shall be final and not subject to administrative review.

B. If a proposal includes a series of actions, physically or functionally related to each other, some of which are exempt and some of which are not, the proposal shall not be exempt.

C. If the proposal includes a series of exempt actions which are physically or functionally related to each other, but which together may have a probable significant adverse environmental impact, the proposal shall not be exempt.

D. 1. If it is determined that a proposal is exempt, none of the procedural requirements of this chapter shall apply to the proposal. No environmental checklist shall be required for an exempt proposal;

2. Provided, however, that the city may itself prepare and use an environmental checklist to review a proposal whenever it would assist in its planning and decision making process.

E. If a proposal includes both exempt and non-exempt actions, exempt actions may be authorized with respect to the proposal prior to compliance with the procedural requirements of these guidelines subject to the following limitations:

1. No nonexempt action shall be authorized;
2. No action shall be authorized which would limit the choice of alternatives;

3. The responsible official may withhold approval of an exempt action which would lead to modification of the physical environment, when

such modifications would serve no purpose if later approval of a nonexempt action is not secured;

4. The responsible official may withhold approval of exempt actions which would lead to substantial financial expenditures by a private applicant which would serve no purpose if later approval of a nonexempt action is not secured. (Ord. 1085 § 2 (part), 1999)

#### **15.28.150 Environmental checklist.**

A. Except as provided in WAC 197-11-315(1)(a), a completed environmental checklist, or a copy thereof, substantially in the form provided in WAC 197-11-960 shall be filed at the same time as, or before, an application for a permit, license, certificate or other entitlement or approval for actions not specifically exempted in this chapter. This checklist shall be the basis for a determination by the city as to lead agency status, and if the city is determined to be the lead agency, then for making the threshold determination.

B. For private proposals, the city will require the applicant to complete the environmental checklist. The city will provide assistance to the applicant as necessary. For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

C. The city may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:

1. The city has technical information on a question or questions contained in the environmental checklist that is unavailable to the private applicant; or
2. The applicant has provided misleading and inaccurate information on previous proposals or on proposals currently under consideration. (Ord. 1085 § 2 (part), 1999)

#### **15.28.160 Mitigated DNS.**

A. As provided in this section and in WAC 197-11-350, the responsible official may issue a mitigated determination of nonsignificance (mitigated DNS) for a proposal whenever:

1. The city specifies mitigation measures in its DNS and conditions the proposal to include those mitigation measures so that the proposal will not have a probable significant adverse environmental impact; and

2. The proposal is clarified or changed by the applicant to mitigate impacts of the proposal so that, in the judgment of the responsible official, the proposal will not have a probable significant adverse environmental impact.

B. After submission of an environmental checklist and prior to the city's threshold determination, an applicant may submit a written request for early notice of whether a determination of significance (DS) is likely under WAC 197-11-350.

C. The responsible official should respond to the request for early notice within fifteen working days. The response shall:

1. Be written;
2. State whether the city currently considers issuance of a DS likely and, if so, indicate the potentially significant adverse environmental impacts that are leading the city to consider a DS; and
3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, and revise the environmental checklist and/or permit application for the proposal as necessary to describe the changes or clarifications.

D. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

E. When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal.

1. If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a mitigated determination of nonsignificance under WAC 197-11-340(2). The responsible official shall reconsider the DNS

based on timely comments and may retain, modify or withdraw the DNS under WAC 197-11-340(2)(f).

2. If the city indicated potentially significant adverse environmental impacts, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.

3. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example; proposals to "control noise" or "prevent storm water runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct two hundred-foot storm water retention pond at Y location" may be adequate.

4. Environmental documents need not be revised and resubmitted if the clarifications or changes to the proposal are stated in writing in attachments to, or documents incorporated by reference into, the environmental review record. An addendum may be used in compliance with WAC 197-11-600 and WAC 197-11-425.

5. If a proposal continues to have a probable significant adverse environmental impact, even with mitigation measures, an EIS shall be prepared.

F. A mitigated DNS issued under WAC 197-11-340(2), requires a public notice and a fifteen-day comment period.

G. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.

H. If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the responsible official should reevaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).

I. The city's written response under subsection G of this section shall not be construed as a determination of significance. (Ord. 1085 § 2 (part), 1999)

## Article IV. Environmental Impact Statement (EIS)

### 15.28.170 Adoption by reference.

This article contains the rules for preparing environmental impact statements or any other environmental document, including threshold determinations under WAC 197-11-360, mitigated determinations of nonsignificance, and determinations of nonsignificance. Subject to the additional provisions contained in this article, the city adopts the following sections of WAC Chapter 197-11 by reference:

#### WAC

197-11-400	Purpose of EIS
197-11-402	General requirements
197-11-405	EIS types
197-11-406	EIS timing
197-11-408	Scoping
197-11-410	Expanded scoping
197-11-420	EIS preparation
197-11-425	Style and size
197-11-430	Format
197-11-435	Cover letter or memo
197-11-440	EIS contents
197-11-442	Contents of EIS on nonproject proposals
197-11-443	EIS contents when prior nonproject EIS
197-11-444	Elements of the environment
197-11-448	Relationship of EIS to other considerations
197-11-450	Cost-benefit analysis
197-11-455	Issuance of EIS
197-11-460	Issuance of FEIS

(Ord. 1085 § 2 (part), 1999)

### 15.28.180 Preparation of EIS—Additional considerations.

A. Preparation of draft and final EIS's and draft and final supplemental EIS and Addenda, is the responsibility of the city under the direction of the responsible official per the procedures contained in this section. Before the city issues an EIS or Addendum the responsible official shall be satisfied that

it complies with this chapter and WAC Chapter 197-11.

B. The draft and final EIS or FEIS shall be prepared by a consultant selected by the city per the city's adopted procedures. However, city staff may prepare EIS's for city proposals. If the responsible official requires an EIS for a proposal, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the EIS and FEIS prior to distribution.

C. The city may require that an applicant provide information the city does not possess, including specific investigations necessary to identify potentially significant adverse environmental impacts. However, the applicant may not be required to supply information that is not required under this chapter or WAC 197-11-100. (The limitation does not apply to information the city may request under another ordinance or statute.)

#### 1. Preparation of Draft Environmental Impact Statement.

a. When an EIS is required, all information required by the SEPA rules shall be presented by the consultant in substantially the same form as for the draft environmental impact statement in accordance with procedures of subdivision 4 of this subsection C.

b. The responsible official shall assure that the EIS is prepared in a responsible manner and with appropriate methodology. The responsible official shall direct the areas of research and examination to be undertaken, as well as the organization of the resulting document in accordance with subdivision 4 of this subsection C.

c. The draft environmental impact statement or adopted environmental adequate to waive scoping for purposes of WAC 197-11-360 shall be prepared, or reviewed and approved, by the responsible official prior to distribution. If, in the opinion of the responsible official, the information provided by the consultant and/or subconsultant(s) for the draft environmental impact statement is inadequate, erroneous, misleading or otherwise deficient under the stan-

dards of this chapter, the responsible official will cause its distribution to be delayed for such time as may be required to correct such deficiencies.

d. Upon acceptance of the information required under this section for the draft environmental impact statement, such information shall become the property of the city and the responsible official shall possess the right to edit, reproduce, modify and distribute such information.

2. Preparation of Final Environmental Impact Statement. Upon acceptance of the draft EIS or adopted environmental documents, the responsible official shall cause its circulation and shall finalize such EIS in accordance with the procedures required by this chapter and the SEPA rules.

3. Consultant Selection for Draft EIS Information or Adoption of Other Environmental Documents.

a. When a DS is issued, a consultant will be selected by the city.

b. When a DS is issued, the applicant shall solicit and provide to the responsible official statements of qualifications for preparation of the EIS from at least three consultants.

c. Based upon the responsible official's review of the responses to the statement of qualifications, the responsible official shall select a consultant(s) and appropriate subconsultant(s) or reject the proposed consultant(s) and/or subconsultant(s) and require that the applicant solicit new statements of qualifications. The review may include interviews with the responsible official.

d. Upon issuance of a scoping determination by the responsible official, it shall be the responsibility of the applicant to negotiate a contract with the consultant and any subconsultant(s) selected by the responsible official. The contract shall address all items in the scoping document. If there is a conflict between the contract and the scoping document, the scoping document shall prevail. After the responsible official is notified by the consultant and/or subconsultant(s) that the contract(s) with the applicant has been negotiated and executed in accordance with the provisions of this chapter and the city's

adopted procedures, the consultant's and subconsultant's work on the EIS shall commence.

e. The responsible official will meet with the consultant and any subconsultants to direct preparation of the draft EIS. The consultant shall meet with the applicant and/or discuss the EIS process with the applicant only when authorized by the responsible official.

f. When the preliminary draft EIS is provided to the responsible official, the consultant shall also provide a copy to the applicant and the applicant shall be provided an opportunity to comment thereupon.

g. All fees charged by the consultant and any subconsultant(s) shall be the responsibility of the applicant. In no event, shall the city be responsible for any such fees charged by the consultant or subconsultant except when the city is the applicant. All consultant and subconsultant contracts shall include language which recognizes that payment of the consultant/subconsultant(s) fees shall be the sole responsibility of the applicant and not the responsibility of the city.

h. In the event the actions or inactions of the consultant/subconsultant(s) jeopardize the EIS process as defined in this chapter, the responsible official is authorized to impose penalties in accordance with rules adopted by the responsible official. Such rules shall be incorporated into the consultant's/subconsultant's contract and the contract shall be consistent with said rules.

4. Consultant/Applicant Responsibilities. When a consultant prepares a draft, final or supplemental EIS, the following responsibilities are hereby specified:

a. Consultant and subconsultant(s) selected by city;

b. City determines the scope of the EIS in compliance with WAC 197-11-360, and WAC 197-11-408 or WAC 197-11-410 as appropriate;

c. Applicant negotiates and executes contract with consultant and required subconsultants;

d. Consultant submits information in the form of a preliminary draft EIS to city and applicant;

e. Applicant reviews and provides comments on preliminary draft EIS to city;

f. City reviews the preliminary draft EIS and applicant's comments;

g. City prepares review comments and directs preliminary draft EIS changes;

h. Consultant prepares rough draft of EIS;

i. City approves rough draft EIS or directs that further revisions be made;

j. Consultant types, binds and prints approved draft EIS in sufficient quantity to satisfy WAC 197-11-455. The specific number shall be determined by the responsible official;

k. Consultant mails draft EIS to agencies with expertise and jurisdiction, affected tribes and persons requesting a copy in compliance with WAC 197-11-455;

l. City reviews comments and directs consultant in preparation of changes and additions to draft EIS, responses to draft EIS comments and preparation of final EIS;

m. Consultant types and prints final EIS;

n. Consultant circulates final EIS.

D. Public Awareness of Availability of Draft EIS. The responsible official shall inform the public of the availability of the draft EIS and of the procedures for requesting a public hearing by publishing notice in a newspaper of general circulation and by mailing the notice to all public or private groups or individuals who have made timely written request of the city for such notice, including the SEPA mailing list and the neighborhood leader mailing list established under Section 15.28.200(A). (Ord. 1085 § 2 (part), 1999)

## Article V. Commenting

### 15.28.190 Adoption by reference.

This article contains the rules for requesting consultation, commenting on and responding to all environmental documents under SEPA, and includes the rules for public notice and hearings. The city adopts the following sections of WAC Chapter 197-11 by reference, subject to the additional provisions contained in this article:

#### WAC

197-11-500 Purpose of this part

197-11-502 Inviting comment

197-11-504 Availability and cost of environmental documents

197-11-508 SEPA Register

197-11-510 Public Notice

197-11-535 Public hearings and meetings

197-11-545 Effect of no comment

197-11-550 Specificity of comments

197-11-560 FEIS response to comments

197-11-570 Consulted agency costs to assist lead agency

(Ord. 1085 § 2 (part), 1999)

### 15.28.200 Public notice.

A. The city shall establish a SEPA mailing list consisting of all public or private groups or individuals who submit a written request with the responsible official that they be notified of all SEPA actions which require public notice under WAC 197-11-510. The city shall also establish a neighborhood leader mailing list which shall include the duly elected chairperson of each neighborhood group. It shall be the responsibility of the neighborhood chairperson or his/her designated representative to notify the responsible official in writing of the name and mailing address of his/her successor. "Neighborhood group" means a group representing a specified geographic area within the city which is formally recognized by the city's office of neighborhoods and which has elected officers and representatives on the council of neighborhoods.

B. Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(1), the city shall give public notice as follows:

1. For site specific proposals, notice shall be given by: (a) mailing notice to the SEPA mailing list; (b) if a proposal is located within the geographical boundaries of a neighborhood group by mailing notice to the chairperson of that group; and (c) posting the property in a minimum of two locations readily observable from public right-of-way or adjacent property or whenever the subject property fronts on a public street or alley, the property shall



be posted with one sign per frontage, including alleys, plus one additional sign for each one hundred fifty lineal feet of frontage; provided, if more than a total of five hundred lineal feet of frontage exists, then the number of actual signs required and their placement shall be discretionary with the responsible official. All signs required to be posted shall remain in place until the final SEPA determination has been made and the applicant shall provide the responsible official with an affidavit of compliance with the posting requirements of this section.

2. For (nonproject) proposals which are not site specific, notice shall be given by: (a) mailing notice to the SEPA mailing list or (b) publishing notice in a newspaper of general circulation in the city of Cle Elum and Kittitas County.

3. In exceptional circumstances, where it is determined that methods of notice provided for in subdivisions 1 or 2 of this subsection B would not provide adequate public notice of a proposed action, the responsible official may require additional notice or notice by another reasonable method. Failure to require additional or alternative notice shall not be a violation of any notice procedure.

4. Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 unless the city adopts an Addendum or other environmental document including for those purposes set forth under WAC 197-11-360.

5. The comment date shall commence on the date that the site is posted or notices published or mailed, whichever occurs later.

C. Whenever the city issues a draft EIS under WAC 197-11-455(5) or a supplemental FEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

1. Indicating the availability of the DEIS in any public notice required for a nonexempt license; and
  2. Publishing notice in a newspaper of general circulation in the city of Cle Elum; and
  3. Mailing notice to the SEPA mailing list.
- D. Whenever possible, the city shall integrate the public notice required under this section with exist-

ing notice procedures for the city's nonexempt permit(s) or approvals required for the proposal.

E. The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

F. For purposes of computing the time period for public notice, the definition of "days" under Section 15.28.040 shall apply. When computing the time period, the day from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. Legal holidays are prescribed in RCW 1.16.050. (Ord. 1085 § 2 (part), 1999)

#### **15.28.210 Designation of official to perform consulted agency responsibilities for the city.**

A. The city mayor at telephone number (509) 674-2262 shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in predraft consultation, participation in scoping, and reviewing a draft EIS.

B. The responsible official, Cle Elum City Hall, 301 Pennsylvania, Cle Elum, WA 98922, shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures which will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city. (Ord. 1085 § 2 (part), 1999)

#### **Article VI. Using Existing Environmental Documents**

##### **15.28.220 Adoption by reference.**

This article contains rules for using and supplementing existing environmental documents prepared under SEPA or The National Environmental Policy Act (NEPA) to meet the city's environmental review responsibilities under SEPA. The city adopts the

following sections of WAC Chapter 197-11 by reference:

**WAC**

- 197-11-600 When to use existing environmental documents
- 197-11-610 Use of NEPA documents
- 197-11-620 Supplemental environmental impact statement-Procedures
- 197-11-625 Addenda-Procedures
- 197-11-630 Adoption-Procedures
- 197-11-635 Incorporation by reference-Procedures
- 197-11-640 Combining documents

(Ord. 1085 § 2 (part), 1999)

**Article VII. SEPA and Agency Decisions**

**15.28.230 Adoption by reference.**

This article contains rules and policies for the use of SEPA's substantive authority, such as decisions to require mitigation of adverse environmental impacts in compliance with policies contained in this chapter, or decisions to deny a proposal on the basis of significant adverse impacts identified in the environmental review documents prepared under SEPA. This article also contains procedures for appealing SEPA determinations to agencies or the courts. The city adopts the following sections of WAC Chapter 197-11 by reference, subject to the additional provisions contained in this article:

**WAC**

- 197-11-650 Purpose of this Part
- 197-11-655 Implementation
- 197-11-660 Substantive authority and mitigation
- 197-11-680 Appeals, except as amended by hearing examiner's rules under Article XII Hearing Examiners.

(Ord. 1085 § 2 (part), 1999)

**15.28.240 Substantive authority.**

A. The policies, procedures and goals set forth in this chapter are supplementary to those set forth in existing authorizations of all branches of govern-

ment of this state, including state agencies, municipal and public corporations, and counties.

B. The city may attach conditions to a permit or approval for a proposal so long as:

1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and
2. Such conditions are in writing; and
3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
4. The city has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

5. Such conditions are based on one or more policies cited in the approval or decision document (such as a DNS, MDNS or decision document issued pursuant to the publication of an EIS).

C. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS prepared pursuant to this chapter; and
2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the significant adverse identified impact; and
3. The denial is based on one or more policies identified in sections identified in writing in the decision document.

D. In addition to the policies established under sections the city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:

1. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may:

- a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- b. Assure for all people of Washington safe, healthful, productive and aesthetically and culturally pleasing surroundings;
- c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- d. Preserve important historic, cultural and natural aspects of our national heritage;
- e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

2. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

3. The city recognizes its duty to comply with and implement State Health Department and Health Department and Ecology Department requirements for comprehensive water supply and sewage system facilities to serve the city and its service area, including areas designated in the city within its urban growth area or subareas consistent with regional service needs of upper Kittitas County as recognized in agreements between the city, Kittitas County, other entities and jurisdictions and private land owners providing utility services, facilities, supplies or capabilities. (Ord. 1085 § 2 (part), 1999)

#### **15.28.245 Adoption of SEPA policies.**

For purposes of RCW 43.21C.060 and substantive, supplemental authority to condition or deny proposals and actions, the following policies have been adopted and are incorporated by reference as if set forth verbatim:

A. RCW 43.21C.020 policies relating to the protection and enhancement of the natural and built environments as defined by SEPA as may hereinafter be amended, and SEPA implementing regulations at WAC Chapter 197-11 as may herein after be amended;

B. Any interlocal agreements, consent orders, compliance orders and court orders entered into between the city and any other local jurisdiction, special purpose district, agency or jurisdiction relating to environmental and development standards, compliance with federal and state laws (including health related requirements for water and sewer supply);

C. The city's comprehensive plan as may herein after be amended;

D. Any utility agreements entered into between the city and any property owner within the Bull Frog Subarea Plan boundaries as identified in the Bull Frog Urban Growth Area Resolution No. 6/23/98-1 with incorporated consultant attachments;

E. The Storm Water Manual of Kittitas County, as may hereinafter be amended for purposes of requiring stormwater analysis and improvements for proposal and actions which are not categorically exempt;

F. The city's shoreline management and critical areas codes as may hereinafter be amended;

G. The city's zoning code and development code as may hereinafter be amended;

H. Ordinance No. \_\_\_\_ pertaining to annexations and utility service to properties in excess of five acres seeking utility service from the city;

I. Those policies enumerated in Sections 15.28.060 and 15.28.240. (Ord. 1159 § 1, 2001; Ord. 1137 § 1, 2001; Ord. 1085 § 2 (part), 1999)

#### **15.28.250 Appeals.**

The city authorizes the following administrative appeals and establishes the following appeal procedures under Chapter 36.70B RCW; RCW 43.21C.075 and WAC 197-11-680:

A. Appeals authorized. Administrative appeals shall be available for threshold determinations (determination of significance, determination of nonsignificance, and mitigated determination of nonsignificance "DS; DNS; MDNS" herein) and final environmental

impact statement ("FEIS") adequacy. All appeal hearings under this section shall be conducted by the hearing examiner, who shall make a recommendation to the city council. There shall be no appeal of the city's use or failure to use substantive SEPA authority (implementing SEPA based mitigation) except as part of any appeal of the underlying project permit decision.

B. Jurisdictional procedural requirements. The following criteria shall be satisfied for all appeals:

1. Standing is limited to aggrieved persons.
2. Appeals shall be commenced by filing with the city a written statement (hereinafter "written appeal statement") requesting an appeal setting forth the name and address of the person aggrieved, an explanation of why the person is aggrieved and a clear and concise statement of the specific issues for the appeal on a form provided by the city.
3. Written appeal statements shall be accompanied by a nonrefundable five hundred dollar fee.
4. Written appeal statements shall be received by the city no later than fourteen days following the issuance of the threshold determination or FEIS. If the fourteenth day is a Saturday, Sunday, or legal holiday as set forth in RCW 1.16.050, then the next non-Saturday, Sunday, or legal holiday shall be the fourteenth day. When computing the time period, the day from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included.

C. Appeal to hearing examiner. SEPA appeals shall be conducted by the hearing examiner, who holds an open record public hearing ("Section C hearing") consistent with the procedural requirements of this chapter, and shall make a recommendation to city council.

D. Hearing examiner procedures for SEPA appeals. All SEPA appeals conducted by the hearing examiner under this section shall utilize the following procedures:

1. Notice of the appeal and hearing schedule shall be sent by mail to the appellant, applicant and to all persons who have filed with the responsible official a written request for notice of the pertinent SEPA decision. Notice shall include the deadline for submitting written memoranda to the hearing examiner, the date,

time and place of the open record hearing before the hearing examiner, and staff contact information. Notice of the hearings shall be published in a newspaper of general circulation at least fourteen days prior to the hearing.

2. Unless specifically amended by a prehearing order or schedule, SEPA appeals shall adhere to the following schedule:

a. At least twenty days prior to the date of the scheduled hearing, the appellant shall file with the office of the hearing examiner a memorandum setting forth the appellant's arguments and authority. Such arguments and authority shall be restricted to those issues set forth in appellant's written appeals statement;

b. At least ten days prior to the date of the scheduled hearing, city staff shall file with the office of the hearing examiner and provide the appellant with a staff report responding to the appellant's memorandum concerning the appeal. The project proponent, if not the appellant, may also file a written statement regarding the appeal at this time; and

c. At least five days prior to the date of the scheduled hearing, the appellant shall file with the office of the hearing examiner any reply memorandum that the appellant desires to file. The scope of the reply memorandum shall respond only to issues raised in the staff report.

Failure to comply with the requirements of this section may result in the examiner taking such action in regard to the failure as is appropriate including, but not limited to, continuing the hearing, postponing the hearing, striking evidence, limiting the number of witnesses, or limiting testimony at the hearing. The examiner may establish additional procedures for the administration of SEPA appeals.

3. All oral argument concerning the SEPA appeal shall be limited to those issues raised in the written statement of appeal, staff report, or reply memorandum.

4. The hearing examiner's recommendation regarding the threshold determination or FEIS adequacy may be to uphold the responsible official's decision, remand the responsible official's decision, or remand the responsible official's decision with conditions. The

hearing examiner may also recommend dismissal of the appeal when the examiner determines that the appeal is untimely, non-compliant with B.2. and B.3. above, without merit on its face, frivolous, beyond the scope of the examiner's jurisdiction, not supported by the evidence or that the appellant lacks standing.

5. The examiner's recommendation shall consist of written findings and conclusions from the record supporting the examiner's recommendation. Within fourteen days of the conclusion of a hearing, unless the appellant agrees to a longer period, the examiner shall render his or her recommendation, including the findings and conclusions.

6. The examiner's recommendation shall be sent by mail to appellants, applicants, and all other parties to the appeal. The original recommendation shall be sent to the city council. Publication shall not be required.

**E. City council.**

1. The city council shall make a final determination regarding the appeal based upon the record prepared by the examiner. The city council may substitute its judgment for that of the examiner on all issues.

2. The city council may grant or deny the appeal, or remand the matter to the examiner for further findings.

**F. City council procedures for SEPA appeals.**

1. Written argument shall be permitted if received within seven days of the date scheduled for city council action. Written argument shall be limited to why the record supports or fails to support the examiner's recommendation.

2. Clerical errors may be corrected by the council on its own action and copies mailed to the parties.

3. Notice of the city council's decisions shall be sent by mail to appellants, applicants, and any other parties to the appeal. The decision shall also be transmitted to the decision making authority for the appeal of the underlying action. Publication shall not be required.

**G. Consolidation requirements.**

1. Appeals of determinations of significance shall not be consolidated with appeals of the underlying project, if any.

2. Type II applications. Appeals of a determination of nonsignificance, mitigated determination of nonsignificance, or FEIS adequacy issued for Type II applications or Type I applications which trigger SEPA shall be consolidated with the appeal of the underlying application. A decision on the SEPA appeal shall be reached pursuant to subsections B, C, D, E and F above, provided, however that Section C hearing held by the examiner shall be consolidated with the open record public hearing in front of the city planner.

3. Type III applications. Appeals of a determination of nonsignificance, mitigated determination of nonsignificance, or FEIS adequacy issued for Type III applications shall be consolidated with the appeal of the underlying application. A decision on the SEPA appeal shall be reached pursuant to subsections B, C, D, E and F above, provided, however, that the Section C hearing held by the examiner shall be consolidated with the open record public hearing in front of the decision body.

4. Appeals of a determination of nonsignificance, mitigated determination of nonsignificance, of FEIS adequacy issued for Type IV applications shall be reached pursuant to subsections B, C, D, E and F above, provided, however, that the Section C hearing held by the examiner shall be consolidated with the open record public hearing in front of the planning commission.

5. There shall be no additional administrative SEPA appeals beyond those provided for above.

H. Substantial weight. The determinations made by the city's responsible official shall be entitled to substantial weight before the examiner and the city council. (Ord. 1159 § 1, 2001; Ord. 1137 § 1, 2001; Ord. 1085 § 2 (part), 1999)

**15.28.260 Notice—Statute of limitations.**

A. The city, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

B. The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice

shall be published by the city clerk or proponent pursuant to RCW 43.21C.080. (Ord. 1085 § 2 (part), 1999)

#### **Article VIII. Categorical Exemption**

##### **15.28.270 Adoption by reference.**

The city adopts by reference the following sections of WAC Chapter 197-11 for categorical exemptions:

##### **WAC**

197-11-800 Categorical exemptions

197-11-880 Emergencies

197-11-890 Petitioning DOE to change exemptions

(Ord. 1085 § 2 (part), 1999)

#### **Article IX. Agency Compliance**

##### **15.28.280 Adoption by reference.**

This article contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating environmentally sensitive areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The city adopts the following sections of WAC Chapter 197-11 by reference, subject to the additional provisions contained in this article:

##### **WAC**

197-11-900 Purpose of this Part

- 197-11-902 Agency SEPA policies
  - 197-11-924 SEPA Fees and Costs
  - 197-11-916 Application to ongoing actions
  - 197-11-920 Agencies with environmental expertise
  - 197-11-922 Lead agency rules
  - 197-11-924 Determining the lead agency
  - 197-11-926 Lead agency for governmental proposals
  - 197-11-928 Lead agency for public and private proposals
  - 197-11-930 Lead agency for private projects with one agency with jurisdiction
  - 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city
  - 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies
  - 197-11-936 Lead agency for private projects requiring licenses from more than one state agency
  - 197-11-938 Lead agency for specific proposals
  - 197-11-940 Transfer of lead agency status to a state agency
  - 197-11-942 Agreements on lead agency status
  - 197-11-944 Agreements on division of lead agency duties
  - 197-11-946 DOE resolution of lead agency disputes
  - 197-11-948 Assumption of lead agency status
- (Ord. 1085 § 2 (part), 1999)

#### **15.28.290 Environmentally sensitive areas.**

A. In cooperation with affected federal, state and local agencies, and tribes, the responsible official shall develop an inventory of environmentally sensitive or critical area sites, which shall be designating environmentally sensitive sites:

- a. SEPA resource inventory study;
- b. Location of land adjacent to parks, steams, bluffs, contiguous environmentally sensitive parcels, lakes and bogs;

- c. Contains steep slopes in ravine areas;
- d. Contains drainage swales, bogs, streams or other surface water bodies;
- e. Unstable or water-bearing soils;
- f. Unique flora and unique fauna;
- g. Historic and archaeological sites.

2. In conjunction with the inventory of environmentally sensitive sites, the responsible official shall submit a list of categorical exemptions that do not apply within the designated environmentally sensitive area.

3. The inventory of environmentally sensitive sites and a map designating such areas along with a list of categorical exemptions that do not apply in such areas shall be presented to the city council, which shall hold a public hearing on the proposed environmentally sensitive areas.

4. After final adoption by the city council, the responsible official shall file maps designating environmentally sensitive areas, together with the exemptions from the list in WAC 197-11-908 that are inapplicable in such areas, with the city clerk and the Department of Ecology, Headquarters Office, Olympia, Washington. The environmentally sensitive area designations shall have full force and effect of law as of the date of filing.

5. Revisions to the inventory, designation and map's environmentally sensitive areas shall be accomplished using the procedures set forth in this section.

B. The city shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The city shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.

C. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped. (Ord. 1085 § 2 (part), 1999)

#### **15.28.300 Fees.**

A. 1. Except as otherwise noted in this chapter,

all fees required for processing of actions by the city in accordance with the provisions of this chapter shall be established by the land use development permit fee ordinance.

2. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee.

**B. Environmental Impact Statement.**

1. Notwithstanding any provisions of this chapter, the responsible official may with the concurrence of the applicant contract directly with a consultant or subconsultant for preparation of an EIS, or a portion of the EIS and may bill such costs and expenses directly to the applicant. The city may require that the applicant post bond or other guaranty device satisfactory to the city to otherwise ensure payment of such costs:

2. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under this subsection which remain after incurred costs are paid.

C. The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposals.

D. The city shall not collect a fee for performing its duties as a consulted agency.

E. The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by RCW Chapter 42.17. (Ord. 1085 § 2 (part), 1999)

## **Article X. Forms**

### **15.28.310 Adoption by reference.**

A. The city of Cle Elum adopts the following forms and sections of WAC Chapter 197-11 by reference, subject to the additional provisions contained in this article:

**WAC**

- 197-11-960 Environmental checklist
- 197-11-965 Adoption notice
- 197-11-970 Determination of Nonsignificance (DNS)

197-11-980 Determination of significance and scoping notice (DS)

197-11-985 Notice of assumption of lead agency status

197-11-990 Notice of action

B. The city shall use the forms substantially as set forth in the SEPA rules. However, the responsible official may modify the forms if he or she determines that a modified format would improve clear presentation of the proposed action, the environmental impacts of the proposed action, the environmental determination being made by the city, and/or the opportunity for commenting on the proposed action or environmental determination. (Ord. 1085 § 2 (part), 1999)

## **Article XI. Third Party Liability**

### **15.28.320 Third party liability.**

A. This chapter provides for and promotes the health, safety and welfare of the general public. and does not create or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this chapter.

B. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the city, its officers, employees or agents, for any injury or damage resulting from the failure of any applicant to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or completed in connection with the implementation or enforcement pursuant to this chapter or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents. (Ord. 1085 § 2 (part), 1999)



## Article XII. Hearing Examiners for Review of SEPA Actions

### 15.28.365 Dismissal—Exhaustion.

A. The hearing examiner may summarily dismiss an appeal or application in whole or in part without hearing when the examiner determines that the appeal or application is untimely, without merit on its face, frivolous, beyond the scope of his or her jurisdiction, not supported by evidence or fact, is merely conclusory, represents solely community displeasure with a proposal, action or application, brought merely to secure a delay, or that the applicant/appellant lacks standing. Summary dismissal orders shall be issued within fifteen days following receipt of an appeal or request of an order of dismissal by any party to the proceedings.

B. No person may seek judicial review of any decision or determination of the city unless the person first exhausts the administrative remedies provided by the city. (Ord. 1085 § 2 (part), 1999)

### 15.28.400 Appeal of city's decision.

The decision of the examiner constitutes the final decision of the city except when the examiner makes a recommendation to city council, then the final decision of the city shall be the city council's. Appeals of the city's final decision shall be to Kittitas County Superior Court in accordance with Part VII (appeals) of the Regulatory Reform Act (Chapter 347 of the 1995 Laws of the state of Washington) now codified as RCW 36.70C; provided, however, appeals from the city's final decision on shoreline management substantial development permits shall be to the Shoreline Hearings Board pursuant to RCW Chapter 90.58. All costs of transcription, copying, assembly and staff time required to prepare a return or administrative record for any judicial appeal shall be borne by the party appellant. (Ord. 1085 § 2 (part), 1999)

## Chapter 15.30

### GRADING, EXCAVATION AND LAND FILLING

#### Sections:

15.30.010	Purpose.
15.30.020	Permit required.
15.30.030	Exemptions.
15.30.040	Prohibited excavation, grading and filling.
15.30.050	Permit application.
15.30.060	Standards.
15.30.070	Application review.
15.30.080	Sureties.
15.30.090	Expiration of permit.
15.30.100	Grading, excavation and land filling permit fee.

#### 15.30.010 Purpose.

The purpose of this chapter includes but is not limited to regulating the grading, excavation and filling of land in order to minimize erosion and sedimentation of watercourses and wetlands, minimize the need for and maintenance of drainage facilities, minimize adverse effects on ground and surface waters, minimize their potential for earth slides and slippage, and maintain the maximum natural vegetation. (Ord. 1222 § 3 (Exh. C (part)), 2004)

#### 15.30.020 Permit required.

A grading permit is required for grading, excavation or filling of land except as exempted under Section 15.30.030 of this chapter. (Ord. 1222 § 3 (Exh. C (part)), 2004)

#### 15.30.030 Exemptions.

A grading permit is not required for:

- A. Excavation and grading in association with a building permit;
- B. Excavations required for installation of public improvements;
- C. Excavations for the study of soil and groundwater conditions;

D. Landscape installation which does not result in a fill more than one foot in depth placed on natural terrain with a gradient less than twenty percent or an earth berm not more than four feet in height and which does not exceed fifty cubic yards on any one lot; or

E. Excavations, grading or filling when required as a condition of a preliminary plat, short plat, or binding site plan. (Ord. 1222 § 3 (Exh. C (part)), 2004)

#### **15.30.040 Prohibited excavation, grading and filling.**

Excavation, grading or filling is prohibited in the following areas and situations:

A. Within fifty feet of the top of the bank of any watercourse except as required by an approved drainage plan;

B. If the work would result in the deposit of materials or otherwise have effects on public rights-of-way, easements and property; or

C. On slopes greater than forty percent in gradient. (Ord. 1222 § 3 (Exh. C (part)), 2004)

#### **15.30.050 Permit application.**

The permit application shall be provided by the city planner and include the following:

A. The name, address and telephone number of the owner of the property on which the work is to be performed;

B. The name, address and telephone number of the person doing the work;

C. A map of the site which includes: topography, vegetation, wetlands and watercourses, public improvements, structures and rights-of-way or other easements and such features within three hundred feet of the work site;

D. The names and addresses of all property owners and residents within three hundred feet of the work site;

E. A grading plan indicating the areas to be filled or excavated, the contours of the land after filling or excavating and the amount of material to be moved;

F. An engineered soil compaction plan for all fills;

G. If material is to be moved from or to another lot or parcel of property, the application shall include

the location of the site, the route to be followed, and evidence of compliance with the regulations of the government with jurisdiction over the site to borrow from or receive material;

H. A plan for the control of erosion and water quality during and after the site work;

I. A plan for drainage of the site;

J. A plan for restoration of vegetation or landscaping on the site;

K. An estimate of the cost of the work to be undertaken;

L. A SEPA environmental checklist if excavation or fill is over five hundred cubic yards; and

M. Other such information as may be required by the city planner, including engineering geological study, soils and hydrological studies;

N. A plan for dust control during grading, excavating or filling. (Ord. 1222 § 3 (Exh. C (part)), 2004)

#### **15.30.060 Standards.**

The following standards must be met to the satisfaction of the city planner prior to permit issuance:

A. Cut slopes shall be no steeper than is safe for the intended use and shall not be steeper than two horizontal to one vertical, or as recommended by a soils engineer.

B. Fills that are intended for building sites shall be constructed in conformance with the requirements of the latest edition of the IBC as adopted by the city.

C. Except as permitted by the city, no material other than earth material shall be buried or placed in fills. Placement of other than earth material is regulated by state statutes or federal laws and additional permits may be required.

D. Fills shall be constructed using earth materials, compaction methods and construction techniques, so that stable fills are created.

E. Grading, filling, or clearing in or within the vicinity of a wetland shall comply with CEMC Chapter 18.01.

F. Grading, filling or clearing in an area of special flood hazard shall be done in accordance with the latest version of the city of Cle Elum

floodplain management ordinance (CEMC Chapter 15.24) or this chapter, whichever has the more stringent development regulations.

G. Grading, filling or clearing of archaeological sites shall be done in accordance with WAC Chapter 25-48, as now adopted or as may be amended, or other applicable state or federal law. (Ord. 1222 § 3 (Exh. C (part)), 2004)

**15.30.070 Application review.**

The city planner shall review all applications for grading permits. The planner shall process the permit application as a Type II application under CEMC Chapter 17.100. (Ord. 1222 § 3 (Exh. C (part)), 2004)

**15.30.080 Sureties.**

The city planner may require, as a condition of the permit, a surety to be posted to secure the applicant's obligation to comply with the conditions of the permit. The surety may be up to one hundred twenty-five percent of the estimated cost of the work. (Ord. 1222 § 3 (Exh. C (part)), 2004)

**15.30.090 Expiration of permit.**

A grading permit shall expire six months from the date of issuance. The city planner may grant one extension of time for an additional six months. (Ord. 1222 § 3 (Exh. C (part)), 2004)

**15.30.100 Grading, excavation and land filling permit fee.**

A permit fee shall be paid for each grading permit in accordance with fees set by resolution adopted by the Cle Elum city council. (Ord. 1222 § 3 (Exh. C (part)), 2004)



## **Title 16**

### **SUBDIVISIONS**

#### **Chapters:**

<b>16.04</b>	<b>General Provisions</b>
<b>16.08</b>	<b>Definitions</b>
<b>16.12A</b>	<b>Subdivisions</b>
<b>16.14</b>	<b>Short Plats</b>
<b>16.30</b>	<b>Final Plats</b>
<b>16.40</b>	<b>Boundary Line Adjustments</b>
<b>16.46</b>	<b>Binding Site Plans</b>



**Chapter 16.04****GENERAL PROVISIONS****Sections:**

- 16.04.010 Purpose.  
 16.04.020 Administration.  
 16.04.030 Scope—Authority.  
 16.04.040 Construction prerequisites.

**16.04.010 Purpose.**

The purpose of this chapter is to promote the realization of the city's comprehensive plan, to provide reasonable requirements for public streets, community facilities and other public areas; to provide for the health, safety and general welfare of the residents of the city; and to establish development standards and uniform procedures for plats, subdivisions, resubdivisions and dedications of land. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.04.020 Administration.**

Authority for the administration of these regulations shall be vested in the city planner. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.04.030 Scope—Authority.**

This chapter is adopted pursuant to the Revised Code of the State of Washington (RCW) Chapter 58.17 and shall apply to all divisions, redivisions, and plats within the city of Cle Elum. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.04.040 Construction prerequisites.**

It is unlawful for any person, firm, or corporation, proposing to make or have made a plat or subdivision of land, to enter into any contract for the sale of, or to offer to sell, any lot tract, or parcel or to proceed with any construction, including grading and excavation unless approval therefore has been made under this chapter. Construction of buildings and dwellings shall be started only after issuance of building permits, and no building permits shall be issued prior to recording of the final plat. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**Chapter 16.08****DEFINITIONS****Sections:**

- 16.08.010 Generally.  
 16.08.020 Alley.  
 16.08.030 Arterial.  
 16.08.035 Block.  
 16.08.037 Boundary line adjustment.  
 16.08.040 Buffer planting strip.  
 16.08.050 Building setback line.  
 16.08.060 Comprehensive plan.  
 16.08.070 Crosswalkway.  
 16.08.080 Cul-de-sac.  
 16.08.090 Easement.  
 16.08.100 Final plat.  
 16.08.110 Improvements public.  
 16.08.120 Lot.  
 16.08.130 Major street plan.  
 16.08.140 Planning commission.  
 16.08.150 Preliminary plat.  
 16.08.160 Roadway.  
 16.08.165 Short plat.  
 16.08.170 Sidewalk.  
 16.08.180 Street.  
 16.08.190 Street, access.  
 16.08.200 Minor street, local residential access.  
 16.08.210 Subdivision.  
 16.08.220 City.  
 16.08.230 Yard.  
 16.08.240 Yard, front.  
 16.08.250 Yard, rear.  
 16.08.260 Yard, side.

**16.08.010 Generally.**

For the purpose of these regulations, certain words and phrases used herein are defined in this chapter. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.020 Alley.**

"Alley" means a minor public right-of-way used primarily for vehicular service access to the rear or side of properties. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.030 Arterial.**

“Arterial” means a street of great continuity, which serves or is intended to serve as a principal traffic way for fast or heavy traffic, and which taken together comprises the basic structure of the street system of the city and surrounding area. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.035 Block.**

“Block” is a group of lots, tracts, or parcels within well defined and fixed boundaries. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.037 Boundary line adjustment.**

“Boundary line adjustment” is the modification of the size or alignment of adjacent parcels by the relocation of a shared boundary line(s) recognized by the city where no additional parcels are created. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.040 Buffer planting strip.**

“Buffer planting strip” means a narrow area planted with trees and shrubs of sufficient density to provide an effective sight-obscuring and sound absorbing screen. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.050 Building setback line.**

“Building setback line” means the line indicating the minimum horizontal distance between the property line and buildings, either at the front, rear or side of the lot. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.060 Comprehensive plan.**

“Comprehensive plan” means the official plan or any portion thereof made and adopted by the planning commission and council in accordance with the Growth Management Act and the laws of the state of Washington indicating the general or specific locations recommended for streets, parks, public buildings, other public and all other land uses. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.070 Crosswalkway.**

“Crosswalkway” means a public right-of-way, five feet or more in width between property lines, which

provides pedestrian access to adjacent properties. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.080 Cul-de-sac.**

“Cul-de-sac” means a short street having one end open to traffic and being terminated at the other end by a vehicular turnaround. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.090 Easement.**

“Easement” means a grant, by the owner of land, to others, of the use of a portion of the land for specific purposes. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.100 Final plat.**

“Final plat” means the final drawing of subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this chapter and consistent with the preliminary plat approval. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.110 Improvements public.**

“Public improvements” means any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway strip, sidewalk, planting strip, crosswalkway, off-street parking area, landscaping or other facility for which the city may ultimately assume the responsibility for maintenance and operation. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.120 Lot.**

“Lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.130 Major street plan.**

“Major street plan” means a part of the comprehensive plan showing the location and dimensions of principal thoroughfares. (Ord. 1235 § 2 (Exh. B (part)), 2005)



**16.08.140 Planning commission.**

"Planning commission" means the planning commission of the city. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.150 Preliminary plat.**

"Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.160 Roadway.**

"Roadway" means the portion of the street available and designated for vehicular traffic. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.165 Short plat.**

"Short plat" means of a division of any tract or parcel of land into nine or fewer lots, tracts, parcels, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, sale or lease or for building development. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.170 Sidewalk.**

"Sidewalk" means the portion of the street right-of-way or crosswalkway, paved with portland cement concrete or other similar hard and durable surface approved by the city, intended for pedestrian use only. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.180 Street.**

"Street" means a public right-of-way having the primary purpose of providing for vehicular and pedestrian access to adjacent properties. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.190 Street, access.**

"Access street" means a street of considerable continuity, sometimes called a collector street, which serves or is intended to serve as a secondary traffic way and as a feeder between local residential access

streets in a neighborhood and one or more arterials. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.200 Minor street, local residential access.**

"Local residential access street" means a street of limited continuity which is intended to serve the local needs of a neighborhood by providing direct access to residential properties and by providing access between residential neighborhoods. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.210 Subdivision.**

"Subdivision" means of a division of any tract or parcel of land into ten or more lots, tracts, parcels, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, sale or lease or for building development. The term includes resubdivision and replatting. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.220 City.**

"City" means the city of Cle Elum. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.230 Yard.**

"Yard" means the shortest distance between any point of the property line and the nearest building obstructions of a permanent nature including, without limitation, chimneys, decks or bay windows. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.240 Yard, front.**

"Front yard" means an open unoccupied space on the same lot with a building located between the front line of the building (exclusive of steps) and the front property line. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.250 Yard, rear.**

"Rear yard" means an open unoccupied space on the same lot with a building located between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot including the full width of the lot to its side lot lines. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.08.260 Yard, side.**

"Side yard" means an open unoccupied space on the same lot with a building between the sidewall of the building and the side lot line of the same lot extending from the front yard to the rear yard. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**Chapter 16.12A****SUBDIVISIONS****Sections:**

- 16.12A.010 Applicability.**
- 16.12A.020 Application requirements.**
- 16.12A.030 Preliminary plat.**
- 16.12A.040 Procedures.**
- 16.12A.050 Preliminary plat approval criteria.**
- 16.12A.060 Development standards.**

**16.12A.010 Applicability.**

The procedural provisions of this chapter are applicable to every division or redivision of land into ten or more lots for sale, lease or transfer except for the following. An exemption from the subdivision process does not provide an exemption from zoning or development standards:

- A. Cemeteries and other burial plots while used for that purpose;
- B. Divisions made by testamentary provision, or the laws of descent;
- C. Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan for the use of the land in accordance with Chapter 16.46 of this code;
- D. A division for the purpose of lease when no residential structure other than mobile home or travel trailers are permitted to be placed on the land when the city has approved a binding site plan for the use of the land in accordance with Chapter 16.46 of this code;
- E. A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for buildings sites; and
- F. Division of land for lots or tracts as provided in Chapters 64.32 and 64.34 RCW. (Ord. 1235 § 2 (Exh. B (part)), 2005)

**16.12A.020 Application requirements.**

Subdivision applications are subject to the following requirements to be considered complete applications:

A. A pre-application meeting is required prior to submittal of an application for approval of a preliminary subdivision. Pre-application meetings shall be conducted consistent with CEMC Section 17.100.050. The applicant shall submit a drawing of the proposed subdivision that indicates the boundaries, proposed lots, streets, and improvements, existing structures and natural features of the property.

B. Applications for preliminary subdivision approval shall be made on forms provided by the city, along with the following information:

1. Five copies of the preliminary plat that contains the information required in Section 16.12A.030 of this chapter;

2. Names and addresses of all property owners within three hundred feet of the subject site or within three hundred feet of the site and adjacent land owned by the applicant and not part of the subdivision;

3. The required fee pursuant to the city of Cle Elum fee schedule;

4. A completed SEPA checklist;

5. A legal description of the subject property supplied by Kittitas County, a title company or surveyor licensed and registered in the state of Washington, and a current county assessors map(s) showing the property(ies) subject to the application;

6. An existing conditions plan: An existing conditions plan shall be drawn to the same size and scale as the preliminary plat and shall indicate the location of existing natural features; the subject property boundaries, dimensions and size, current structural or landscape setbacks, location of existing on-site driveways and access points within one hundred feet of the subject site, location and dimension of any on-site structures, location of utilities, location of the nearest fire hydrant, location of existing structures within one hundred feet of the site, locations and dimensions of adjacent public or private roads and right-of-way or easements, approximate location of significant natural features including contours, slopes

over twenty-five percent, water bodies, rock outcrops, wetland areas, areas of significant vegetation, the location of trees or groups of trees over six inches in diameter, and the location of any critical areas;

7. A written narrative including information on how the proposed division meets the approval standards. (Ord. 1235 § 2 (Exh. D (part)), 2005)

**16.12A.030 Preliminary plat.**

The preliminary plat shall contain the following information and meet the following requirements:

A. Size and scale: The map shall be drawn on paper that is eighteen inches by twenty-four inches. Scale shall be no greater than one inch by one hundred feet and in all cases shall be a standard drafting scale;

B. Name of subdivision, which shall not be the same or similar name of any other subdivision in the county;

C. Legal description;

D. Scale, date, north arrow;

E. Basis of bearings;

F. Boundary lines of the property including length and bearing lines;

G. The relationship of the subdivision to section and half-section lines and to any adjacent city boundary lines and monuments;

H. The location, widths, and names of streets or other public ways, easements, railroad and utility rights-of-way within or adjacent to the property plat;

I. The name and location of adjacent subdivisions and the location and layout of existing or proposed streets which are adjacent to or across contiguous right-of-way from the proposed development;

J. The location and dimension of proposed lots, tracts, reserve areas and any public dedications, and lot and block numbers;

K. The location, dimensions, and cross sections of all proposed streets;

L. A preliminary stormwater plan;

M. A preliminary utility plan;

N. A preliminary erosion control plan;

O. Proposed contours with intervals of five feet or less;

P. The names and addresses of the owner, developers and surveyor or engineer who designed the plat;

Q. Phasing plan, if phasing of the final plat is proposed;

R. Other information that may be necessary to determine compliance with city standards. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.12A.040 Procedures.**

Preliminary plats are considered Type IV applications pursuant to CEMC Chapter 17.100 and shall be processed in accordance with the procedures established therein. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.12A.050 Preliminary plat approval criteria.**

Prior to granting approval, the applicant shall demonstrate to the decision maker that:

A. The preliminary plat is in the public interest;

B. The subject preliminary plat is consistent with the comprehensive plan;

C. The preliminary plat shall conform to the applicable requirements of the zoning district in which it is located including but not limited to requirements for area, dimensions, use and density;

D. The preliminary plat conforms to the applicable standards in Chapter 18.01, Maintenance, Enhancement and Preservation of Critical Areas of this code;

E. For those preliminary plats located within a designated floodplain, conformance with the applicable requirements of CEMC Chapter 15.24;

F. The preliminary plat includes appropriate provisions for public, health, safety and welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways including trails, transit stops, potable water, sanitary waste disposal, parks and recreation, playgrounds, schools, sidewalks and safe walking conditions for those students who will only walk to school;

G. The preliminary plat conforms or can conform to adopted standards for the construction of all public facilities including streets, sidewalks, storm-water control, sewer systems, water systems and street lighting;

H. Every proposed lot, tract or area in the preliminary plat has an approved access to a public right-of-way;

I. The proposed preliminary plat conforms to the established design requirements;

J. The proposed preliminary plat will not cause the level of service of public facilities or services to drop below established limits;

K. The proposed preliminary plat is consistent with any other applicable city regulations, and development or other agreements specific to the subject property. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.12A.060 Development standards.**

A. Design. All subdivisions shall conform to the following design requirements:

1. Blocks: Blocks shall not exceed eight hundred feet in length nor less than three hundred feet on any single side, unless terrain or property boundaries prevent compliance with this standard;

2. Arterial streets: Blocks abutting an arterial street shall be designed to provide limited access from the arterial. Individual lots may not be accessed from an arterial street;

3. Property lines at street intersections shall be arcs having radii of at least twenty feet or shall be cords of such arc;

4. The shape and orientation of lots shall be appropriate to the location of the proposed subdivision and the type of development contemplated. Generally, lots should be rectangular in shape and side lot lines should be at approximately right angles to the street which they intersect;

5. Lots with frontages on a public street on both the front and rear lot lines, with the exception of corner lots and alleys, shall be avoided by appropriate subdivision design;

6. Future subdivision: If a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged to allow for logical future subdivision;

7. Reserve strips: There shall be no reservation of strips of land that prevent or limit access to land dedicated or intended to be dedicated to public use;

8. **Clearing:** A tree preservation and clearing plan shall be submitted for approval and large trees shall be preserved whenever possible by appropriate design and clearing shall not occur where prohibited by critical areas ordinances;

9. **Variances:** Variances to development standards are subject to the provisions of CEMC Chapter 17.85;

10. **Streets:** All lots shall abut on a dedicated and improved public street for at least twenty feet;

11. **Utilities:** City utilities (water and sewer) shall be installed and maintained at a minimum depth of not less than forty-eight inches below the street. All other utilities shall be installed underground and shall meet or exceed state and federal safety codes for installation;

12. **Secondary access required.** Subdivisions containing forty or more lots shall contain at least two ingress-egress routes which are interconnected. Subdivisions containing fewer than forty lots shall be subject to review of the egress routes. When determined necessary by the city public works director more than one egress route shall be required.

B. **Stormwater.** Each development shall be provided with a drainage system for the collection, control, and/or disposal of the surface water runoff consistent with the following requirements:

1. A stormwater drainage plan, prepared by an engineer licensed and registered in the state of Washington, shall be required for any new development that creates more than five thousand square feet of impervious surfaces;

2. Design calculations for peak flow and peak volume storage requirements shall be based on a design storm frequency of ten years. Design calculations for treatment shall be based on sixty-four percent of the two-year recurrence interval, twenty-four-hour storm runoff event;

3. The plan shall provide for the on-site treatment and detention/retention of all increased runoff based on the design storm over the predevelopment conditions;

4. Treatment standards shall be based on best management practices identified in the Washington State Department of Ecology's Stormwater Manage-

ment Manual for Eastern Washington or an equivalent manual deemed acceptable by the city;

5. The overflow of runoff in excess of the design storm quantities must be situated or directed to locations to where it would have overflowed prior to development. Appropriate methods must be used to attenuate flows so that erosion or damage to downstream properties does not occur;

6. The drainage plan shall include all calculations for the determination of the required size of the system. Said calculations shall be based on the required criteria and upon an analysis of estimated runoff from areas contributing to the facilities. Peak flow analyses shall be done using the rational method. Storage volume quantities shall be calculated by the rational-stored rate method. The assumption for the outflow rate used in the stored rate method will need to be verified by the developer by actual field-testing in the case of infiltration systems. Collection systems shall be gravity pipe systems;

7. In calculating the amount of impervious surfaces, the area of roofs shall not be included if the roof drains to downspout or other systems that discharge directly to the ground and not onto paved or other impervious surfaces;

8. Treatment of runoff from sidewalks and detached bikeways is not required if the sidewalk or bikeway drains away from roadways so the stormwater does not mix with runoff from the roadway;

9. Stormwater facilities should be incorporated into on-site open spaces and preference will be given to those facilities that maintain a natural appearance.

C. **Streets.** All subdivisions shall be served by public streets meeting the following requirements:

1. Street layout shall be designed to efficiently serve the development. Where existing streets abut the development they shall be extended to serve the development. Streets shall be stubbed to serve future development on adjacent undeveloped parcels if development can be reasonably expected, where terrain and parcel configuration allow, streets should form a grid or modified grid pattern similar to the existing areas of the city;

2. **Cul-de-sacs:** Dead end streets or cul-de-sacs are not permitted unless terrain and parcel conditions

result in greater impacts than connected streets. Where permitted, dead end streets shall be constructed with a turnaround located within the right-of-way or in a temporary easement. In no case shall a cul-de-sac exceed four hundred feet in length. Cul-de-sacs shall be located within a minimum right-of-way radius of fifty feet and shall have a minimum paved radius of forty-five feet;

3. Alley: Paved alleys with a minimum width of sixteen feet within a twenty feet of right-of-way shall be provided unless prohibited by physical limitations that are not caused by the proposed street layout or the design of the project;

4. Where a proposed development abuts a public street that is not improved with the required frontage improvements, the developer shall be responsible for making the remaining improvements to that street for the length of the proposed development;

5. Street grades shall conform in general to the natural terrain and shall not be less than one-half of one percent and generally not greater than eleven

percent. Short sections of steeper grades are permitted where approved by the city engineer and will not result in hazardous traffic conditions;

6. Intersections of streets shall be made at ninety-degree angles unless terrain or other physical limitations not caused by the subdivision design or the developer require a different angle that will not result in a traffic hazard;

7. Curb radii shall not be less than ten feet;

8. The paved portion of the street shall be constructed to the following standards unless a geotechnical engineer can certify that another pavement section is suitable:

a. Two inches asphalt concrete pavement or portland cement concrete,

b. Three inches crushed surfacing-top course (five-eighths to zero),

c. Four inches ballast (two and one-half inches to zero);

9. Roadway and right-of-way widths. Roadways shall be built to the following standards:

Design Requirement	Arterial	Access (Cul-de-sacs)	Local Residential Access (Cul-de-sacs)	Alley
Pavement width <sup>1</sup>	52'	36'	32'	16'
Right-of-way width	80'	60'	58'	20'
Travel lanes	2, 12' travel 1, 12' median or turn lane <sup>2</sup>	2, 10' travel	2, 10' travel	2, 8' travel
Parking lane width <sup>3</sup>	8' both sides	8' both sides	6' both sides	None
Sidewalks <sup>4</sup>	7' both sides, 12' in commercial areas	6' both sides, 12' in commercial areas	6' both sides	None
Curb and gutter	Yes	Yes	Yes	None
Bike lane	Optional, unless specified in comprehensive plan	None	None	None
Design speed	35	25	20	20
Cul-de-sac length		400' max.	400' max.	
Cul-de-sac right-of-way radius		50'	50'	
Cul-de-sac paved radius		45'	45'	

Notes

1 Measured curb face to curb face

2 A turn lane shall only be provided where a traffic study indicates they are warranted to preserve safety or capacity

3 On street parking is zero degrees (parallel to curb)

4 In residential areas, sidewalks shall be separated from the curb by a minimum four feet planting strip or filter strip

10. Sidewalks shall be located in the right-of-way and must be constructed of portland cement concrete. Curb ramps for physically handicapped persons shall be constructed at all intersections and other appropriate locations;

11. Vehicular access to single-family residential lots shall be limited to the alley unless otherwise approved through an alternative access plan as part of an approved subdivision by the city;

12. The standards for the construction of roads and all other construction within the publicly owned right-of-way, shall consist of the current published addition of the "Standard specifications for Road, Bridge and Municipal Construction" and "Standard plans for Road and Bridge Construction" as published by the Washington State Department of Transportation and the American Public Works Association.

D. The following public improvements are required for all land divisions. Improvements shall be made in accordance with adopted city standards or specifications established by the public works director:

1. Concrete curb, gutters and sidewalks;
2. Streets;
3. Sanitary sewers;
4. Water mains and hydrants: Fire protection facilities including hydrants and appurtenances shall be provided in accordance with the Uniform Fire Code;
5. Landscaping;
6. Concrete survey monuments.

E. Maintenance and correction of improvements. The applicant shall be responsible for:

1. Correcting any defect in materials and/or workmanship arising within two years following completion and acceptance of the improvements;
2. Protecting all improvements from loss or damage during construction, filling, grading, landscaping or other work within or adjacent to the subdivision;

3. If any repairs are required to public improvements resulting from the applicant's action, the two-year period shall be restarted for the improvement being repaired.

F. Guarantee and Security. The applicant shall secure a maintenance bond in favor of the city or

shall provide an alternate security in a form acceptable to the city attorney to guarantee the successful operation of any required improvements for two years, and assuring the correction or repair of any defects in workmanship or material appearance within the two year period. The amount and conditions of the maintenance bond or other approved security shall be ten percent of the cost of construction of the improvements as estimated by the developer or actual costs.

G. Protection of Existing Improvements. The applicant shall be responsible to insure that existing improvements and city property are not damaged or rendered less useful or unsightly by the operations of the developer, those working at the direction of the developer or those constructing the development. This includes damage or nuisance to the property of the city, including, but not limited to, damage to existing streets, sidewalks, curbs and gutter by passage thereover of equipment or trucks or by excavation for any purpose, the spillage or tracing of earth, sand or rock onto existing streets, sidewalks, right-of-way or city property, the washing by stormwater of earth or sand onto city right-of-way or streets, curbs, gutters or stormwater systems, or damage to water mains, sanitary sewer, storm drains or culverts. The city may require the posting of a bond or other surety to cover the cost of clearing any debris and the repair of any damages. It shall be the sole cost of the developer to clean, fix, repair or replace any damaged improvements.

H. Inspections. The applicant is responsible for all costs associated with the inspection of all public improvements. Inspections and testing shall be completed as necessary to insure that public improvements are completed in conformance with the approved plans and adopted standards.

I. As-built drawings for all public improvements shall be completed by a licensed and registered engineer in the state of Washington and provided to the public works director on a mylar and in an electronic form as specified by the city public works director. (Ord. 1235 § 2 (Exh. B (part)), 2005)

## Chapter 16.14

### SHORT PLATS

#### Sections:

- 16.14.010**    **Applicability.**
- 16.14.020**    **Procedures.**
- 16.14.030**    **Application requirements.**
- 16.14.040**    **Approval criteria.**
- 16.14.050**    **Limitations on further division.**

#### **16.14.010**    **Applicability.**

The provisions of this chapter are applicable to every division or redivision of land into nine or fewer lots for sale, lease or transfer except the following:

A. Cemeteries and other burial plots while used for that purpose;

B. Divisions made by testamentary provision, or the laws of descent;

C. Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan for the use of the land in accordance with Chapter 16.46 of this code;

D. A division for the purpose of lease when no residential structure other than mobile home or travel trailers are permitted to be placed on the land when the city has approved a binding site plan for the use of the land in accordance with Chapter 16.46 of this code;

E. A division made for the purpose of alteration be adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for buildings sites; and

F. Division of land for lots or tracts as provided in Chapters 64.32 and 64.34 RCW. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.14.020**    **Procedures.**

Preliminary short plats are considered Type II applications pursuant to CEMC Chapter 17.100 and shall be processed in accordance with the procedures established therein. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.14.030**    **Application requirements.**

A. An application for a short plat shall include the following information:

1. A short plat application form provided by the city planner completed and signed;

2. Five copies of a preliminary short plat map meeting the requirements of Section 16.12A.030 of this code and the development standards of Section 16.12A.060 of this code;

3. Names and addresses of all property owners within three hundred feet of the subject site or within three hundred feet of adjacent land owned by the applicant and not part of the subdivision;

4. The required fee pursuant to the city of Cle Elum fee schedule;

5. A SEPA checklist and required fee, if applicable;

6. A legal description of the subject property supplied by Kittitas County, a title company or surveyor licensed in the state of Washington, and a current county assessors map(s) showing the property(ies) subject to the application;

7. An existing conditions map consistent with CEMC Section 16.12A.020(B)(6);

8. A written narrative including information on how the proposed division meets the approval standards.

B. The information required above is required for a complete application pursuant to CEMC Section 17.100.060(B)(5). (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.14.040**    **Approval criteria.**

The review authority shall approve a preliminary short plat if they find that the applicant has sustained the burden of proving that the application complies with the approval criteria in Section 16.12A.050 of this code, or that the application can comply with the criteria through the adoption of reasonable conditions of approval. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.14.050**    **Limitations on further division.**

As provided in RCW 58.17.060, a lot that is created by short plat shall not be further divided by short platting for a period of five years, except that when



the division contains less than four lots, further division may be made by short plat to create up to four total lots with the original short plat boundaries. Any further division shall be processed as a subdivision. However, any revision of the lot lines of an approved short subdivision in which the total number of lots is not increased, shall not be considered a further division and shall be approved or disapproved in the manner prescribed by Chapter 16.40 of this code. (Ord. 1235 § 2 (Exh. B (part)), 2005)

## **Chapter 16.30**

### **FINAL PLATS**

#### **Sections:**

- 16.30.010 Required.**
- 16.30.020 Application requirements.**
- 16.30.030 Survey and improvement standards.**
- 16.30.040 Final plat procedures.**

#### **16.30.010 Required.**

A final plat is required for all subdivisions and short plats to finalize the land division. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.30.020 Application requirements.**

A. Applications for final plat approval shall be filed with the city of Cle Elum.

B. Applications for final plats shall include the necessary fee established by the city of Cle Elum fee schedule and the following information:

1. Name of the subdivision or short plat;
2. Date;
3. Acreage;
4. Number of lots;
5. Zoning designation;
6. Name, address, phone number and signature of the applicant and/or property owner;
7. The decision document from the city on the preliminary plat or short plat.

C. A mylar, a sepia and three paper copies of the final plat map shall be provided that includes the following:

1. Subdivision name which shall not be the same as any other subdivision in the county;
2. Legend;
3. Scale, including graphic scale, north arrow and basis of bearings;
4. Location, including one-quarter section, section, township, range, and, as applicable, donation land claim and/or subdivision;
5. Boundary survey;
6. Lot, block, and street right-of-way and centerline dimensions;

7. Street names (to be approved or determined by city);

8. Areas to be dedicated;

9. Surveyor's certificate, stamp, date and signature;

10. Signature blocks for the following: city engineer, county auditor, mayor, county assessor, county health department and city planning director;

11. Private easements;

12. Utility easements;

13. Any required notes;

14. Other information necessary to show compliance with the preliminary plat such as restrictions on access.

D. A legal description of the boundary that has been certified by the land surveyor, with seal and signature as being accurate description of the lands actually surveyed shall be provided.

E. A plat certification, including any dedications, consistent with RCW 58.17.165 shall be submitted.

F. A certificate of title shall be provided.

G. Restrictions, notes, covenants, and/or binding agreements as required by code, preliminary approval or SEPA shall be provided.

H. A treasurer's certification shall be submitted. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.30.030 Survey and improvement standards.**

A. Final plans, specifications, profiles for all required public improvements shall be provided in a manner acceptable to the public works director. Improvements shall conform to adopted city standards or other standards specified by the public works director. Plans shall be stamped and signed by a professional engineer licensed and registered in the state of Washington.

B. Survey Certificate. The survey and preparation of final plats shall be made by or under the supervision of a registered land surveyor who shall certify on the final plat that it is a true and accurate representation of the lands actually surveyed. The certification shall include that all required monuments have been set and that all lot corners have

been staked on the ground consistent with the final plat. All surveys shall conform to standard practices and principles of land surveying as outlined in Chapter 58.09 RCW. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.30.040 Final plat procedures.**

A. Filing Period. An application for final plat containing all of the required items shall be made within five years of the date of preliminary plat approval.

B. Administrative Review. The planning director shall review the proposed final plat for conformance with the preliminary plat approval by the city council. Upon approval, the director shall then forward the plans to the city engineer for review of the final plat and public improvement plans. Upon approval of the city engineer the director may authorize construction of the required improvements prior to final plat approval. Prior to filing the final plat for council action, the planning director shall make a determination that:

1. The final plat meets all approval requirements of the preliminary plat approval, this title, and state law;

2. The proposed final plat contains all of the necessary information;

3. A title insurance report confirms that the title of the land in the proposed subdivision is vested in the name of the owners having a title interest and whose signatures appear on the plat certificate;

4. The necessary public improvements have been installed consistent with the approved engineering plans and meeting of the city requirements and/or the developer has provided any required surety in a form acceptable to the city in an amount consistent with the required improvements.

C. Bonding. All required public improvements shall be made prior to final plat approval, unless a surety in an amount acceptable to the city is made. As provided by RCW 58.17.130, necessary improvements not completed prior to council approval of the final plat shall post a bond equal to one hundred fifty percent of the estimated cost of completion as approved by the city engineer. Improvements that

may be bonded are limited to sidewalks, landscaping, street lighting and final pavement lifts.

D. Council Action. The council shall review the plat within thirty days of receiving an application and determine if the conditions of the preliminary plat approval have been met and that any required bonding is adequate to assure complete of the required improvements that have not been completed and accepted by the city.

E. Certification and Recording. Upon approval, the council shall certify its acceptance by authorizing the mayor to sign the plat. The director shall have the final plat recorded with county auditor. (Ord. 1235 § 2 (Exh. B (part)), 2005)

## Chapter 16.40

### BOUNDARY LINE ADJUSTMENTS

#### Sections:

- 16.40.010** Review required.
- 16.40.020** Application requirements.
- 16.40.030** Procedures.
- 16.40.040** Criteria.

#### **16.40.010** Review required.

Boundary line adjustment shall not be made without review and approval consistent with this chapter. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.40.020** Application requirements.

Applications for boundary line adjustments shall submit the following information:

- A. Written authorization from all property owners involved;
- B. The assessors tax identification numbers of the parcels involved;
- C. The existing legal descriptions of the parcels involved;
- D. The existing dimensions and acreage of the parcels involved;
- E. The proposed dimension and acreage of the parcels involved;
- F. A copy of the assessors quarter section map clearly identifying the parcels subject to the application;
- G. A survey or graphic representation of the proposed adjustment. A survey may be required at the discretion of the director if the proposed adjustment is complex. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.40.030** Procedures.

Boundary line adjustments are considered Type I applications pursuant to CEMC Chapter 17.100. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.40.040** Criteria.

Boundary line adjustments shall be approved if the subject parcels are existing legal lots of record and

the proposed adjustment is consistent with the minimum lot size requirements of the zoning ordinance. Existing nonconforming lots may be adjusted as long as the degree of nonconformity is not increased by the adjustment. Boundary line adjustment may not cause the violation of any ordinance standards such as setbacks, maximum lot coverage or density. (Ord. 1235 § 2 (Exh. B (part)), 2005)

## Chapter 16.46

### BINDING SITE PLANS

#### Sections:

<b>16.46.010</b>	<b>Purpose.</b>
<b>16.46.020</b>	<b>Applicability.</b>
<b>16.46.030</b>	<b>Binding site plan.</b>
<b>16.46.040</b>	<b>Application requirements.</b>
<b>16.46.050</b>	<b>Review procedures.</b>
<b>16.46.060</b>	<b>Approval criteria.</b>
<b>16.46.070</b>	<b>Approval periods.</b>
<b>16.46.080</b>	<b>Alteration or vacation of an approved binding site plan.</b>

#### **16.46.010 Purpose.**

The purpose of this chapter is to provide an alternative method of land division for commercial and industrial properties and condominiums as provided in RCW 58.17.035. A binding site plan allows for the division of land for a specific use and a specific location through the approval of a site plan and the recording of a survey. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.46.020 Applicability.**

This chapter is applicable to the development and division of lands for commercial or industrial use within the general commercial, downtown commercial, entryway commercial, industrial and public reserve district and the development of condominiums authorized by RCW Chapter 64.34. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.46.030 Binding site plan.**

A binding site plan shall consist of an approved site plan that establishes the use and location of all structures and lands and a record of survey showing the location of all structures and divisions of land. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.46.040 Application requirements.**

A binding site plan application shall consist of the information specified in CEMC Chapter 17.76, Site and Design Review. The submitted site plan shall

include the proposed location and dimensions of all proposed lots, tracts or parcels. The application shall include the following materials unless waived by the planning director, as well as all application materials required as a result of the pre-design meeting:

A. Written narrative description of uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries, and construction schedule, including any proposed phasing of development;

B. Three copies of an existing conditions site plan containing the information set forth in CEMC Section 16.12A.040(B)(6);

C. Three copies of a site plan drawn to a minimum scale of one inch equals two hundred feet on a sheet no larger than twenty-four inches by thirty-six inches and including one reduced size copy no larger than legal size. The site plan shall contain the following information: the subject property boundaries, dimensions and size, location, dimensions and height of all proposed structures, location of building accesses, proposed uses of structures and properties, proposed setbacks, proposed phasing, proposed landscaping, location and dimensions of vehicle and pedestrian access points and circulation routes, the location of all proposed on-site parking including provisions for handicap parking, any easements, the location of any proposed lights, and any other proposed site improvements;

D. Three copies of proposed architectural elevations;

E. Preliminary grading, erosion control and stormwater plan;

F. Preliminary utility plan;

G. Any other items that are necessary to review the proposed development. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.46.050 Review procedures.**

A. Binding site plans shall be reviewed as a Type II application pursuant to CEMC Chapter 17.100.

B. Binding site plan applications will be reviewed by the planning director who also shall make a determination on the binding site plan.

C. The survey and site plan shall become effective only upon recording with the Kittitas County auditor. The lots, tracts or parcels created through this process are legal lots of record provided they are consistent with recorded binding site plan. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.46.060 Approval criteria.**

The review authority shall approve a binding site plan if they find that the applicant has sustained the burden of proving that the application complies with the approval criteria in Section 16.12A.050 of this code and other applicable criteria or approvals, or that the application can comply with the criteria through the adoption of reasonable conditions of approval. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.46.070 Approval periods.**

If the improvements, structures and uses specified in the binding site plan are not constructed within five years of the recording of the site plan, the binding site plan shall expire and the division of land shall become null and void. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### **16.46.080 Alteration or vacation of an approved binding site plan.**

An alteration or vacation of a binding site plan shall be considered a Type I permit process. Alterations are permitted if they do not increase the number of lots originally permitted and are consistent with the criteria for approval. Vacations of all or part of a binding site plan are permitted. (Ord. 1235 § 2 (Exh. B (part)), 2005)



## **Title 17**

### **ZONING\***

#### **Chapters:**

- 17.04 General Provisions**
- 17.08 Definitions**
- 17.12 Use Districts, Maps and Boundaries**
- 17.16 R Residential District**
- 17.20 RM Multiple Family Residential District**
- 17.24 OTC Old Town Commercial District**
- 17.28 EC Entry Commercial District**
- 17.32 CG General Commercial District**
- 17.34 Business Park District**
- 17.36 I Industrial District**
- 17.45 PMU Planned Mixed Use District**
- 17.50 P Public Reserve Area District**
- 17.56 Off-Street Parking and Loading Requirements**
- 17.64 Landscaping Requirements**
- 17.76 Site and Design Review**
- 17.80 Conditional Use Permits**
- 17.85 Variances**
- 17.90 Sidewalk Displays and Advertising in Commercial and Industrial Zones**
- 17.100 Project Permit Procedures**
- 17.110 Building and Use Permits**
- 17.115 Additions and Annexations to City**
- 17.120 Amendments and Reclassifications**
- 17.125 Enforcement**
- 17.130 Violation—Penalty**
- 17.140 Development Agreements**

\* Prior Ord. History: Ord 545, 1960, Ord 609, 1966, Ord 627, 1969, Ord 782, 1981, Ord 901, 1989, Ord 935, 1991, Ord 942, 1991, Ord 962, 1992





## Chapter 17.04

### GENERAL PROVISIONS

#### Sections:

<b>17.04.010</b>	<b>Title.</b>
<b>17.04.020</b>	<b>Map adopted.</b>
<b>17.04.030</b>	<b>Uses not designated.</b>
<b>17.04.040</b>	<b>Nonconforming uses.</b>
<b>17.04.050</b>	<b>Nonconforming buildings and structures.</b>
<b>17.04.060</b>	<b>Nonconforming lots of record.</b>
<b>17.04.070</b>	<b>Controlling provisions.</b>
<b>17.04.080</b>	<b>Severability.</b>

#### **17.04.010 Title.**

This title shall be known as the "Zoning Ordinance of the city of Cle Elum." (Ord. 1163 § 1 (part), 2001)

#### **17.04.020 Map adopted.**

This title consists of the text hereof together with that certain map identified by the approving signatures of the mayor and the city clerk on the title page and marked and designated as "The map of the zoning ordinance of the city of Cle Elum," which map is on file in the office of the city clerk. The map has been examined by the city council and is adopted as part of this title. The title, and each and all of its terms, is to be read and interpreted in the light of the contents of the map. In the event of any conflict between the map and the text of this title, the text of this title shall prevail. (Ord. 1163 § 1 (part), 2001)

#### **17.04.030 Uses not designated.**

The planning director may permit in a district any use not described in this title which is deemed by the planning director to be in general keeping with the uses authorized in such district and is consistent with the provisions of the comprehensive plan. Such decisions by the planning director may be appealed per provisions of Section 17.100.120. (Ord. 1163 § 1 (part), 2001)

#### **17.04.040 Nonconforming uses.**

The lawful use of any building, structure, land or sign in existence at the time of the passage of the ordinance codified in this title, although such use does not conform to the provisions of this title, may be continued subject to the limitations of this section.

A. Expansion—No existing building, structure or land devoted to a nonconforming use shall be expanded, enlarged, reconstructed, intensified or structurally altered unless the use thereof is changed to a use permitted in the zoning district in which the building, structure, or land is located.

B. Change—When authorized by the planning director, a nonconforming use may be changed to a use of a like nature or use that is more in conformance with the existing regulations.

C. Extension—When authorized by the planning director, a nonconforming use may be extended throughout those parts of a building which were manifestly designed or arranged for such use prior to the date when such use of the building became nonconforming, if no structural alterations except those required by law are made therein.

D. Discontinuance—When a nonconforming use of land or a nonconforming use of all or part of a structure is discontinued or abandoned for a period of one year, such use shall be considered abandoned and lose its nonconforming status. Normal seasonal cessation of use, or temporary discontinuance for purposes of maintenance or improvements, shall not be included in determination of the one-year period of discontinuance.

E. Reversion—If a nonconforming use is changed to a permitted use, the nonconforming use shall not be resumed.

F. Residential exception—Legally established residential uses located in any residential zoning district shall not be deemed nonconforming for the purposes of residential alteration, residential enlargement or residential expansion provided:

1. The residential use was legally established.
2. The residential use was established at least fifty-years prior to the adoption of this regulation.

3. The residential use has been continuous and has never lapsed for more than twelve consecutive months.

4. The residential use shall comply with the development standards of the underlying zone in which it is located.

5. A declaration of covenant between the property owner and the city of Cle Elum must be completed and executed prior to the issuance of a building permit, and shall be recorded with the Kittitas County Auditors Office, stating generally:

The current Residential use and proposed expansion, enlargement or alteration is not located within a residential zone and is therefore subject to noise, dust, vibration, smoke, activity, and the like associated with legally permitted uses in the zoning district. Legally permitted uses in compliance with Cle Elum Municipal Code in any zone have the right to continue without hindrance.

(Ord. 1279 § 2 (Attach. B), 2007; Ord. 1163 § 1 (part), 2001)

#### **17.04.050 Nonconforming buildings and structures.**

A building or structure in existence at the time of the passage of the ordinance codified in this title, although such use does not conform to the provisions of this title, may be maintained subject to the limitations of this section.

A. Expansion—A nonconforming structure may not be changed, altered, replaced, added to or expanded in any manner, except as provided in subsection B of this section and unless such change or alteration does not increase the degree of nonconformity or would bring the structure into conformity with provisions of the zoning code.

B. Repair—Such repair and maintenance work as required to keep the structure in sound condition may be made, provided no structural alterations shall be made except such as are required by law or ordinance or authorized by the planning director. In case damage or destruction by fire or other causes requiring expenditures for repair in excess of one-half of the assessed value as shown on the county assessor's

records immediately prior to destruction, the structure or structures, other than residential dwellings, shall not be rebuilt unless they conform to all requirements of the zoning code. Permits to repair the damage must be applied for within one year and construction must be completed within two years of the damage occurring or the legal nonconforming status will be lost.

C. Any nonconforming structures shall be maintained in useable condition or the nonconforming status shall be lost. (Ord. 1222 § 3 (Exh. C (part)), 2004; Ord. 1163 § 1 (part), 2001)

#### **17.04.060 Nonconforming lots of record.**

A. Residential districts—In any residential district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record, notwithstanding limitations imposed by other provisions of this title. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width that are generally applicable in the district, provided that yard dimensions and requirements (other than those applying to area or width) shall conform to the regulations for the district in which such lot is located.

In all residential zoning districts, if two or more lots or combinations of lots and portions of lots with continuous frontage are of record prior to May 23, 1960, and if all or part of the lots do not meet the minimum requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with the lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this title.

B. Other districts—In any other district, permitted buildings and structures may be constructed on a nonconforming lot of record, provided lot coverage, yard, landscaping and off-street parking requirements

are met. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. If all or part of the lots do not meet the minimum requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with the lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this title. (Ord. 1163 § 1 (part), 2001)

**17.04.070 Controlling provisions.**

The provisions of this title shall be held to be minimum requirements. Where this title imposes greater restrictions than are imposed by other chapters, laws, rules, or regulations, the provisions of this title shall control. Where this title imposes lesser restrictions than are imposed by other chapters, laws, rules or regulations, the provisions of the more restrictive title shall control. (Ord. 1163 § 1 (part), 2001)



**17.04.080 Severability.**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected. (Ord. 1163 § 1 (part), 2001)

**Chapter 17.08****DEFINITIONS****Sections:**

<b>17.08.010</b>	<b>Generally.</b>
<b>17.08.020</b>	<b>Accessory use or building.</b>
<b>17.08.023</b>	<b>Adjacent.</b>
<b>17.08.025</b>	<b>Adult family home.</b>
<b>17.08.030</b>	<b>Alley.</b>
<b>17.08.040</b>	<b>Bed and breakfast guesthouse.</b>
<b>17.08.050</b>	<b>Boardinghouse (or lodginghouse).</b>
<b>17.08.060</b>	<b>Business.</b>
<b>17.08.070</b>	<b>Building.</b>
<b>17.08.090</b>	<b>Conditional use.</b>
<b>17.08.100</b>	<b>Day care center.</b>
<b>17.08.110</b>	<b>Day care, family.</b>
<b>17.08.120</b>	<b>Dripline.</b>
<b>17.08.130</b>	<b>Duplex.</b>
<b>17.08.140</b>	<b>Dwelling unit.</b>
<b>17.08.150</b>	<b>Dwelling, multiple-unit.</b>
<b>17.08.160</b>	<b>Dwellings, single-family.</b>
<b>17.08.170</b>	<b>Family.</b>
<b>17.08.180</b>	<b>Front property line.</b>
<b>17.08.190</b>	<b>Garage or carport, private.</b>
<b>17.08.200</b>	<b>Group home.</b>
<b>17.08.210</b>	<b>Height of building.</b>
<b>17.08.220</b>	<b>Home occupation.</b>
<b>17.08.230</b>	<b>Hotel (or motel).</b>
<b>17.08.240</b>	<b>Kennel.</b>
<b>17.08.250</b>	<b>Lot.</b>
<b>17.08.260</b>	<b>Lot, corner.</b>
<b>17.08.270</b>	<b>Lot line.</b>
<b>17.08.280</b>	<b>Lot of record, nonconforming.</b>
<b>17.08.290</b>	<b>Manufactured home.</b>
<b>17.08.298</b>	<b>Mobile food service unit.</b>
<b>17.08.300</b>	<b>Mobile home.</b>
<b>17.08.310</b>	<b>Nonconforming use/structure.</b>
<b>17.08.315</b>	<b>Open air market.</b>
<b>17.08.320</b>	<b>Retirement residence.</b>
<b>17.08.330</b>	<b>Setback.</b>
<b>17.08.340</b>	<b>Stacking space.</b>
<b>17.08.350</b>	<b>Story.</b>
<b>17.08.360</b>	<b>Street.</b>

- 17.08.370 **Structure.**
- 17.08.380 **Tree.**
- 17.08.390 **Use.**
- 17.08.400 **Variance.**
- 17.08.410 **Visual screen.**
- 17.08.420 **Yard, front.**
- 17.08.430 **Yard, rear.**
- 17.08.440 **Yard, side.**

#### 17.08.010 **Generally.**

For the purpose of this title, words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular number; and words not defined shall be construed as defined in the building code ordinances of the city, if defined therein, and if not defined therein shall be given their ordinary and usual meaning. (Ord. 1163 § 1 (part), 2001)

#### 17.08.020 **Accessory use or building.**

“Accessory use or building” means a subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building. (Ord. 1163 § 1 (part), 2001)

#### 17.08.023 **Adjacent.**

“Adjacent” means adjoining with a common boundary line; except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures more than eight in a single direction. Properties separated by a public right-of-way of twenty feet or more are not considered adjacent. (Ord. 1163 § 1 (part), 2001)

#### 17.08.025 **Adult family home.**

“Adult family home” means the regular family abode of a person or persons who are providing personal care, room and board, under a license issued pursuant to RCW 70.128.060, to more than one but not more than four adults who are not related by blood or marriage to the person providing the services; except that a maximum of six adults may be permitted if the Washington State Department of Social and Health Services determines that the home

and the provider are capable of meeting standards and qualifications provided for in the law (RCW 70.128.060). (Ord. 1163 § 1 (part), 2001)

#### 17.08.030 **Alley.**

“Alley” means a street or public way which affords vehicular access to an interior boundary of one or more lots and is not designated for general traffic circulation abutting property. (Ord. 1163 § 1 (part), 2001)

#### 17.08.040 **Bed and breakfast guesthouse.**

“Bed and breakfast guesthouse” means an owner-occupied single-family residential dwelling which provides transient rental lodging limited to four guest rooms or less. (Ord. 1163 § 1 (part), 2001)

#### 17.08.050 **Boardinghouse (or lodginghouse).**

“Boardinghouse” or “lodginghouse” means a dwelling where lodging, with or without meals, for five or more persons not members of the same immediate family is provided for compensation. (Ord. 1163 § 1 (part), 2001)

#### 17.08.060 **Business.**

“Business” or “commerce,” when used in this title, mean engaging in the purchase, sale, barter, rendering or exchange of goods, wares, services or merchandise; also, the maintenance or operation of offices or recreational or amusement enterprises. (Ord. 1163 § 1 (part), 2001)

#### 17.08.070 **Building.**

“Building” means any structure or edifice having a roof and intended for occupancy or use of persons or animals or as a housing place or as a storage place for any object or thing. When separated by a division wall without opening, each portion of such building shall be deemed a separate building (except as may be provided in a possible section of this title on exceptions). (Ord. 1163 § 1 (part), 2001)

#### 17.08.090 **Conditional use.**

“Conditional use” means a use that would not be acceptable without restrictions throughout a zoning

district and is not permitted by right within a zoning district but which may be permitted subject to meeting certain conditions contained in this title or as may be determined during the review process. (Ord. 1163 § 1 (part), 2001)

**17.08.100 Day care center.**

"Day care center" means a facility providing regularly scheduled care for a group of thirteen or more children, within a one month of age through twelve years of age range exclusively, for periods less than twenty-four hours. Preschools are considered day care centers for city land use regulation purposes. (Ord. 1163 § 1 (part), 2001)

**17.08.110 Day care, family.**

"Day care, family" means a licensed day care which regularly provides day care for not more than twelve children in the provider's home in the family living quarters. (Ord. 1163 § 1 (part), 2001)

**17.08.120 Dripline.**

"Dripline" means an imaginary circle drawn at the ground surface directly under the outermost branches of a tree. (Ord. 1163 § 1 (part), 2001)

**17.08.130 Duplex.**

"Duplex" means a single structure containing two dwelling units, either side by side or above one another. (Ord. 1163 § 1 (part), 2001)

**17.08.140 Dwelling unit.**

"Dwelling unit" means a single unit providing complete, independent living facilities for not more than one family and permitted roomers and boarders, including permanent provisions for living, sleeping, eating, cooking and sanitation. A manufactured home, apartment, condominium, townhouse, single-family detached house, or accessory dwelling unit is considered to be a dwelling unit. (Ord. 1163 § 1 (part), 2001)

**17.08.150 Dwelling, multiple-unit.**

"Multiple-unit dwelling" means a residential building arranged or designed to be occupied by

three or more families, with the number of families in residence not exceeding the number of units provided. (Ord. 1163 § 1 (part), 2001)

**17.08.160 Dwellings, single-family.**

"Single-family dwellings" means a building arranged or designed to be occupied by not more than one family. (Ord. 1163 § 1 (part), 2001)

**17.08.170 Family.**

"Family" means an individual or two or more persons related by blood or marriage; eight or fewer nonrelated residents, living together as a single non-profit housekeeping unit; or eight or fewer related and nonrelated persons. For purposes of this definition, minors living with parents shall not be counted as part of the maximum number of residents. (Ord. 1163 § 1 (part), 2001)

**17.08.180 Front property line.**

"Front property line" means the property line that is adjacent to a public or private street more than twenty-one feet in width, except that the Interstate 90 right-of-way shall not be considered a front property line. Where there is more than one adjacent public or private street more than twenty-one feet in width, the property lines adjacent to both streets shall be considered front property lines. (Ord. 1163 § 1 (part), 2001)

**17.08.190 Garage or carport, private.**

"Private garage or private carport" means a garage or carport with the capacity for not more than three self-propelled vehicles and used for storage only. (Ord. 1163 § 1 (part), 2001)

**17.08.200 Group home.**

"Group home" means a dwelling unit licensed by the state of Washington in which rooms or lodging, with or without meals, are provided for nine or fewer nontransient persons not constituting a single household, and requiring specialized care due to sensory, mental or physical disabilities, provided that this shall not apply to a residence used for the placement of individuals who have been convicted of a crime or

juvenile offense or have gone through some form of diversion proceedings either as an adult or juvenile offender. (Ord. 1163 § 1 (part), 2001)

#### **17.08.210 Height of building.**

"Height of building" means the vertical distance from the adjoining grade to the highest point of the coping of a flat roof or the deck line of a mansard roof or the highest point of a pitched or hipped roof. The adjoining grade shall be measured at a point five feet horizontally from the building wall when such ground surface is not more than ten feet above the lowest grade on the property. If the lowest grade is more than ten feet below the adjoining grade, height shall be measured from a point ten feet above the lowest grade. (Ord. 1163 § 1 (part), 2001)

#### **17.08.220 Home occupation.**

"Home occupation" means a business activity which results in a product or service and is conducted in whole or in part on a residential premises and is clearly subordinate to use of the premises as a residence. (Ord. 1163 § 1 (part), 2001)

#### **17.08.230 Hotel (or motel).**

"Hotel" or "motel" means a building designed or used for the transient rental of five or more units for sleeping purposes. A central kitchen and dining room and accessory shops and services catering to the general public can be provided. Not included are institutions housing persons under legal restraint or requiring medical attention. (Ord. 1163 § 1 (part), 2001)

#### **17.08.240 Kennel.**

"Kennel" means an establishment licensed to operate a facility housing more than three dogs or cats and more than one litter of unweaned pups or kittens, or other household pets and where grooming, breeding, boarding training, or selling of animals is conducted as a business or hobby. (Ord. 1163 § 1 (part), 2001)

#### **17.08.250 Lot.**

"Lot" means a fractional part of divided lands having fixed boundaries, being of sufficient area and

dimension to meet minimum zoning requirements for width and area, and fronting on an improved public street or an approved private street. (Ord. 1163 § 1 (part), 2001)

#### **17.08.260 Lot, corner.**

"Corner lot" means a lot of which at least two adjacent sides abut for their full length upon a street. (Ord. 1163 § 1 (part), 2001)

#### **17.08.270 Lot line.**

"Lot line" means the line bounding a lot as defined in the deed or official plat. (Ord. 1163 § 1 (part), 2001)

#### **17.08.280 Lot of record, nonconforming.**

"Nonconforming lot of record" means any validly recorded lot which at the time it was recorded fully complied with the applicable laws and ordinances but which does not fully comply with the lot requirements of this title. (Ord. 1163 § 1 (part), 2001)

#### **17.08.290 Manufactured home.**

"Manufactured home" means a detached residential dwelling unit fabricated at a factory in accordance with the standards of the Federal Manufactured Home Construction and Safety Standards (HUD Code effective on June 15, 1976) and designed for transportation on its own chassis to a building site for permanent occupancy with a permanent foundation. Manufactured homes must be a minimum of seven hundred twenty square feet in size, a minimum of twenty feet wide and transported to the site in at least two sections. (Ord. 1163 § 1 (part), 2001)

#### **17.08.298 Mobile food service unit.**

"Mobile food service unit" means a cart that is usually constructed on a wheel and axle base able to move from location to location and meets all health department requirements for sanitation. It is operated by a vendor who sells food items such as pretzels, hotdogs, ice cream, etc. (Ord. 1222 § 3 (Exh. C (part)), 2004)



**17.08.300 Mobile home.**

"Mobile home" means a transportable residential structure fabricated at a factory not in accordance with the Uniform Building Code nor with the standards of the Federal Manufactured Home Construction and Safety Standards (HUD Code enacted on June 15, 1976), and designed for transportation on its own chassis. Mobile homes within the city of Cle Elum are considered nonconforming structures. (Ord. 1163 § 1 (part), 2001)

**17.08.310 Nonconforming use/structure.**

"Nonconforming use" means a building or land occupied by a use that does not conform with the regulations of the district in which it is situated but which was established in conformance with all applicable regulations in existence at the time of its establishment. (Ord. 1163 § 1 (part), 2001)

**17.08.315 Open air market.**

"Open air market" means an outdoor market that is seasonal in nature where local artisans or farmers sell products such as baked goods, artwork, crafts and produce. (Ord. 1222 § 3 (Exh. C (part)), 2004)

**17.08.320 Retirement residence.**

"Retirement residence" means a building or group of buildings which provides residential facilities for more than five residents sixty-two years of age or more, except for spouses of such residents for whom there is no minimum age requirement. A retirement residence may provide a range of type of living units and may also provide food service, general health care supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services for its residents. Individual living units (suites) may include kitchens. Retirement residences may also include a skilled nursing facility provided that the number of nursing beds shall not exceed twenty-five percent of the total number of suites. Facilities with more than twenty-five percent of the suites having nursing beds shall be considered a convalescent/nursing center. Suites within a retirement residence shall contain an average of two beds or less. (Ord. 1163 § 1 (part), 2001)

**17.08.330 Setback.**

"Setback" means the minimum horizontal distance between a structure and a specified line such as a lot, easement, or buffer line that is required to remain free of structures. (Ord. 1163 § 1 (part), 2001)

**17.08.340 Stacking space.**

"Stacking space" means the space specifically designated as a waiting area for vehicles whose occupants will be patronizing a drive-in business. Such space is considered to be located directly alongside a drive-in window, facility or entrance used by patrons and in lanes leading up to the service window. (Ord. 1163 § 1 (part), 2001)

**17.08.350 Story.**

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than twelve feet above grade at any point, such basement, cellar or unused underfloor space shall be considered as a story. (Ord. 1163 § 1 (part), 2001)

**17.08.360 Street.**

"Street" means a public or private thoroughfare which affords principal means of access to abutting property. (Ord. 1163 § 1 (part), 2001)

**17.08.370 Structure.**

"Structure " means anything permanently constructed in or on the ground, or over the water, excluding fences less than six feet in height, decks less than eighteen inches above grade, paved areas, and structural or nonstructural fill. (Ord. 1163 § 1 (part), 2001)

**17.08.380 Tree.**

"Tree" means a plant listed as a tree in the most recent edition of Sunset Western Garden Book and Hortus Third. (Ord. 1163 § 1 (part), 2001)

**17.08.390 Use.**

"Use" means an activity or function carried out on an area of land, or in a building or structure located thereon. Any use subordinate or incidental to the primary use on a site is considered an accessory use. (Ord. 1163 § 1 (part), 2001)

**17.08.400 Variance.**

"Variance" means a modification to numerical standards of this title when authorized by the city council after finding that the literal application of the provisions of this title would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property. (Ord. 1163 § 1 (part), 2001)

**17.08.410 Visual screen.**

"Visual screen" means landscape plantings which function as a full visual barrier within three years of time of planting. (Ord. 1163 § 1 (part), 2001)

**17.08.420 Yard, front.**

"Front yard" means an open unoccupied space in the same lot with a building, between the front line of the building (exclusive of steps) and the front property line, including the full width of the lot to its side line. (Ord. 1163 § 1 (part), 2001)

**17.08.430 Yard, rear.**

"Rear yard" means an open unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot, including the full width of the lot to its side lines. (Ord. 1163 § 1 (part), 2001)

**17.08.440 Yard, side.**

"Side yard" means an open unoccupied space on the same lot with a building between the sidewall of the building and the side lot line of the same lot, extending from front yard to rear yard. (Ord. 1163 § 1 (part), 2001)

**Chapter 17.12****USE DISTRICTS, MAP AND BOUNDARIES****Sections:**

**17.12.010 Use districts established.**

**17.12.020 Boundaries and determination.**

**17.12.010 Use districts established.**

For the purpose of this title the city is divided into zoning districts as follows:

R—Residential, Single-Family District  
 RM—Residential, Multi-Family District  
 OTC—Old Town Commercial District  
 EC—Entry Commercial District  
 GC—General Commercial District  
 BP—Business Park District  
 I—Industrial District  
 P—Public Reserve Area District  
 PMU—Planned Mixed Use District.

(Ord. 1163 § 1 (part), 2001)

**17.12.020 Boundaries and determination.**

The boundaries of the various districts shall be shown on the official zoning maps accompanying and made a part of this title. The official zoning maps area on file in the office of the city clerk, and shall be available for inspection by the public at all reasonable times. When uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys are construed to follow such lines.

B. Boundaries indicated as approximately following platted lot lines are construed as following such lot lines.

C. Boundaries indicated as approximately following city limits are construed as following city limits.

D. Boundaries indicated as following railroad lines are construed as to be midway between the main tracks.

E. Boundaries indicated as following shorelines are construed to follow such shorelines, and in the event of change in the shoreline are construed as

moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water are construed to follow such centerlines.

F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E of this section are so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

G. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections A through E of this section, the planning director shall interpret the district boundaries. (Ord. 1163 § 1 (part), 2001)

## Chapter 17.16

### R—RESIDENTIAL DISTRICT

#### Sections:

<b>17.16.005</b>	<b>Purpose.</b>
<b>17.16.010</b>	<b>Outright permitted uses.</b>
<b>17.16.020</b>	<b>Uses requiring site and design review.</b>
<b>17.16.030</b>	<b>Conditional uses.</b>
<b>17.16.040</b>	<b>Front yard.</b>
<b>17.16.050</b>	<b>Rear yard.</b>
<b>17.16.060</b>	<b>Side yard.</b>
<b>17.16.070</b>	<b>Site area.</b>
<b>17.16.080</b>	<b>Height limit.</b>
<b>17.16.090</b>	<b>Lot coverage and lot width.</b>
<b>17.16.100</b>	<b>Home occupations.</b>
<b>17.16.110</b>	<b>Manufactured homes.</b>
<b>17.16.120</b>	<b>Recreational vehicles.</b>

#### **17.16.005 Purpose.**

The purpose of the residential district is to create and maintain stable and attractive residential neighborhoods, while providing diversity in housing types and maintaining affordable housing. Residential zones should also protect sensitive natural areas, provide for the efficient use of land and public services, and provide appropriate vehicular and pedestrian access. (Ord. 1163 § 1 (part), 2001)

#### **17.16.010 Outright permitted uses.**

In an R district or residential district no building or premises shall be used, and no building shall hereafter be erected, moved into the district, or structurally altered, unless otherwise provided in this title, except for one or more of the following uses:

A. One single-family dwelling per legal lot of record (including manufactured homes) and duplexes with not more than one duplex per street frontage per block;

B. Accessory buildings, such as are ordinarily appurtenant to single-family dwellings, including but not limited to, private workshops, private greenhouses, parking for private recreational vehicles and trailers, and a private garage of not more than three-

car capacity, when located not less than sixty feet from the front line, unless attached to or within the dwelling and set back five feet from the face of the main building. In no case shall an accessory building(s) exceed the size of the primary building on site. Where a lot is served by an alley, all on-site parking or garages shall be accessed only from the alley;

**C. Accessory dwelling units, provided:**

1. Only one accessory dwelling unit is permitted per lot;

2. The accessory unit shall not be larger than fifty percent of the living area of the primary residence;

3. One additional off-street parking space is provided; and

4. Either the primary unit or the accessory unit is occupied by the owner of the property.

D. Adult family homes and group homes as required and meeting minimum state requirements;

E. Home occupations engaged in by individuals living in the residence, subject to the limitations in this title;

F. Family day care as required and meeting minimum state requirements. (Ord. 1163 § 1 (part), 2001)

**17.16.020 Uses requiring site and design review.**

All uses specified in Chapter 17.76 are subject to site and design review. In addition the following activities shall be subject to site and design review.

A. Parks and playgrounds (including park buildings) subject to the following limitations:

1. Adequate off-street parking shall be provided if the park is not a neighborhood facility;

2. Lighting for structures and fields shall be directed away from residential areas;

3. The bulk and scale of structures shall be compatible with the residential character of the area;

4. Structures and service yards shall be set back a minimum of fifty feet from property lines if possible, but in no case less than the required setbacks of the residential zone. (Ord. 1163 § 1 (part), 2001)

**17.16.030 Conditional uses.**

The following purposes and uses of buildings shall be allowed only upon approval of a conditional use permit in accordance with the provisions of Chapter 17.80. Conditional uses shall also require design review either in conjunction with or after the approval of a conditional use permit.

A. Libraries;

B. Public schools, day care centers, and churches;

C. Nursing homes, hospitals and sanitariums, except for inebriates and persons suffering from mental diseases;

D. Commercial nurseries or greenhouses on special permit not exceeding ten years;

E. Telephone exchanges, electric substations and similar installations for public service;

F. Retirement homes;

G. Municipal buildings, senior centers, community centers;

H. The office of a physician, dentist or other professional person when located in his or her dwelling or an existing residential structure located on an arterial street;

I. Bed and breakfast guesthouse, when accessory to the permanent residence of the operator. Preference shall be given to facilities in historic structures. (Ord. 1163 § 1 (part), 2001)

**17.16.040 Front yard.**

A front yard having a minimum depth of twenty feet is required. If, on any given block, over fifty percent of the existing structures on the same street frontage are set back less than twenty feet, the required front yard shall be reduced to the average of the existing front yard setbacks along that street frontage. (Ord. 1163 § 1 (part), 2001)

**17.16.050 Rear yard.**

There shall be a rear yard having a minimum depth of twenty feet for the principal structure(s). Where a lot is served by an alley, the rear yard for a garage shall be a minimum depth of five feet. Accessory buildings shall maintain a minimum setback of five feet. (Ord. 1163 § 1 (part), 2001)

**17.16.060 Side yard.**

There shall be a side yard of not less than five feet in width. A street side yard shall have a minimum width of fifteen feet. Side yard setbacks shall be measured from the drip line of the principal structures eave to the property line. (Ord. 1257 § 2 (Exh. B), 2006; Ord. 1163 § 1 (part), 2001)

**17.16.070 Site area.**

For every building hereafter erected or structurally altered or moved into the district there shall be provided a lot area of not less than five thousand square feet per unit for one-family dwellings, and not less than seven thousand square feet per unit for duplexes. (Ord. 1163 § 1 (part), 2001)

**17.16.080 Height limit.**

No building hereafter erected or structurally altered within or moved into the district shall exceed thirty-five feet. (Ord. 1163 § 1 (part), 2001)

**17.16.090 Lot coverage and lot width.**

The lot area covered by single-family dwellings and structures accessory thereto shall not exceed forty percent of the lot area; duplexes and accessory structures thereto shall not exceed forty percent of the lot area. No residential lot having a width of less than forty feet, a depth of less than seventy-five feet, nor less than twenty feet of street frontage shall be created and in no case shall a lot be created with less than five thousand square feet. (Ord. 1163 § 1 (part), 2001)

**17.16.100 Home occupations.**

Home occupations are business activities that generally occur within a residential dwelling by the occupant of the dwelling where the business is clearly secondary to the residential use of the structure. Home occupations require the approval of Type I permit and are subject to the following limitations:

A. The use shall be located in the dwelling only. No outside activity or storage is permitted.

B. A maximum of twenty-five percent of the habitable floor area or three hundred square feet, whichever is less, may be devoted to the home occupation.

C. No use or storage of heavy vehicles or heavy equipment such as construction equipment is permitted.

D. No external evidence of the home occupation is permitted with the exception of an unlighted sign not exceeding two square feet that may advertise the occupant's name and business type.

E. The occupation may involve no retail sales on the premise, except as incidental to the home occupation, such as retail sales of shampoo associated with an in-home hairdresser.

F. No more than six customers or vehicle trips are permitted per day.

G. One employee in addition to the owner/occupant is permitted.

H. The home occupation shall not require any external remodeling. (Ord. 1163 § 1 (part), 2001)

**17.16.110 Manufactured homes.**

Manufactured homes shall be subject to the following requirements:

A. Homes shall be permanently installed on a foundation.

B. All installations must have an eighteen-inch minimum crawl space.

C. The tongue, wheels and any other transport hardware must be removed from the structure.

D. Skirting shall completely enclose the structure.

E. Permanent steps shall be installed to all entrances.

F. A minimum of seven hundred twenty square feet is required and the home must be transported in at least two pieces of equal width to the site. A minimum width of sixteen feet is required.

G. A minimum snow load of ninety pounds per square foot is required. (Ord. 1163 § 1 (part), 2001)

**17.16.120 Recreational vehicles.**

Recreational vehicles including campers, travel trailers, mobile homes and other similar items the property of the lot owner or lessee may be parked for storage in the residential district provide they meet the minimum setback standards of the district. (Ord. 1163 § 1 (part), 2001)

## Chapter 17.20

### RM MULTIPLE FAMILY RESIDENTIAL DISTRICT

#### Sections:

<b>17.20.005</b>	<b>Purpose.</b>
<b>17.20.010</b>	<b>Permitted uses.</b>
<b>17.20.020</b>	<b>Conditional uses.</b>
<b>17.20.030</b>	<b>Front yard.</b>
<b>17.20.040</b>	<b>Rear yard.</b>
<b>17.20.050</b>	<b>Side yard.</b>
<b>17.20.060</b>	<b>Minimum lot size/density.</b>
<b>17.20.070</b>	<b>Height limit.</b>
<b>17.20.080</b>	<b>Lot coverage.</b>
<b>17.20.090</b>	<b>Design review and design guidelines.</b>

#### **17.20.005 Purpose.**

The purpose of the multiple family residential district is to create and maintain stable and attractive residential neighborhoods, allowing apartments and townhouse dwellings. Multiple family residential districts should also protect sensitive natural areas, provide for the efficient use of land and public services, reinforce more intense land uses such as retail, and provide appropriate vehicular and pedestrian access. (Ord. 1163 § 1 (part), 2001)

#### **17.20.010 Permitted uses.**

The following uses are permitted in the multiple family district:

- A. Single-family dwellings, multiple-unit dwellings and townhouses;
- B. Parks and playgrounds (including park buildings);
- C. Accessory buildings, such as are ordinarily appurtenant to multiple-unit dwellings, including, but not limited to, carports and garages;
- D. Boardinghouses and lodgishouses;
- E. Nursing homes;
- F. Retirement residences;
- G. Bed and breakfast guesthouse, when accessory to the permanent residence of the operator. (Ord. 1163 § 1 (part), 2001)

#### **17.20.020 Conditional uses.**

The following purposes and uses of buildings shall be allowed only upon approval a conditional use permit in accordance with the provisions of Chapter 17.80. Conditional uses shall also require design review either in conjunction with or after the approval of a conditional use permit.

- A. Libraries;
- B. Public or private schools and churches or other houses of religious assembly;
- C. Hospitals and sanitariums, except for inebriates and persons suffering from mental diseases;
- D. Telephone exchanges, electric substations and similar installations for public service;
- E. Day care centers;
- F. Private clubs, fraternities and lodges, excepting those selling or furnishing beer, wine or intoxicating liquors, and also excepting those the chief activity of which is a service customarily carried on as a business;
- G. Municipal buildings, senior centers and community centers. (Ord. 1163 § 1 (part), 2001)

#### **17.20.030 Front yard.**

There shall be a front yard having a minimum depth of ten feet. (Ord. 1163 § 1 (part), 2001)

#### **17.20.040 Rear yard.**

There shall be a rear yard having a minimum depth of twenty feet. When a lot is served by an alley the parking, carport or garage shall have a rear yard having a minimum depth of five feet. (Ord. 1163 § 1 (part), 2001)

#### **17.20.050 Side yard.**

There shall be a side yard of not less than ten feet in width on each side of a building, and not less than five feet in width between lot side and buildings in the rear yard. A side street side yard shall have a minimum width of fifteen feet. (Ord. 1163 § 1 (part), 2001)

#### **17.20.060 Minimum lot size/density.**

Within the multiple family residential district, the minimum lot size for multiple unit dwellings shall be

fifteen thousand square feet. The minimum lot size for single-family dwellings shall be determined by the minimum density and the ability of the proposed lots to support a dwelling and the required setbacks and parking. The minimum density shall be seven dwelling units per acre and the maximum density shall be sixteen dwelling units per acre. (Ord. 1163 § 1 (part), 2001)

**17.20.070 Height limit.**

No building hereafter erected or structurally altered within or moved into the district shall exceed thirty-five feet. (Ord. 1163 § 1 (part), 2001)

**17.20.080 Lot coverage.**

The lot area covered by structures shall not exceed forty-five percent of the lot area. (Ord. 1163 § 1 (part), 2001)

**17.20.090 Design review and design guidelines.**

All buildings except single-family dwellings and duplexes and their accessory structures shall be subject to the city's site and design review process (Chapter 17.76). Following are design guidelines for the RM district.

1. **Maximum Building Depth:** Sixty percent depth of lot.
2. **Front Facades:** Modulation shall be required if the width of the front facade exceeds thirty feet.
3. **Side Facades:** On corner lots, side facades that face the street shall be modulated if greater than forty feet in width.
4. **Modulation Standards:** Minimum depth of modulation shall be four feet. Minimum width of modulation shall be five feet. Maximum width of modulation shall be thirty feet.
5. **Landscaping:** A minimum landscaped area equal to fifteen percent of the lot area shall be provided. In addition, a landscaped area at least five feet in depth shall be provided along street property lines; property lines which abut a single-family zoning district; alleys across from single-family zoning district. Street trees will be required consistent with the landscape ordinance of the city.

6. **Light and Glare Standards:** Exterior lighting shall be shielded and directed downward, away from adjacent properties. Exterior lighting fixtures shall be consistent with the character of the structure.

7. **Parking and Access:** If alley access is available and not incompatible with adjacent single-family development, access to parking shall be from the alley. When access is provided from the street, the driveway width and location shall be approved by the city engineer.

Parking may be located in or under the structure, or in the required rear and side yards (other than a side street side yard). Parking may not be located in the required front or side street side yards except for single-family residences. Driveways and parking areas for more than four vehicles shall be screened from adjacent residential properties by a wall or solid evergreen hedge at least five feet in height. If parking is located in or under the structure, the parking must be screened by a front facade and a view obscuring facade or fence along the side of the structure. (Ord. 1163 § 1 (part), 2001)

## Chapter 17.24

### OTC OLD TOWN COMMERCIAL DISTRICT

#### Sections:

- 17.24.010 Purpose and design objectives.**
- 17.24.020 Permitted uses.**
- 17.24.030 Conditional uses (not fronting on First Street).**
- 17.24.040 Dimensional standards.**
- 17.24.050 Parking and loading zones.**
- 17.24.060 Landscaping.**
- 17.24.080 Lighting.**
- 17.24.090 Design standards.**

#### 17.24.010 Purpose and design objectives.

The three block area along First Street extending from Oaks Avenue through Wright Avenue and from Railroad Street to Second Street encompasses the historic downtown of Cle Elum and has a large number of existing historic structures. The purposes of this district are to acknowledge this historic area; to maintain and complement existing historic buildings; to keep the small retail shop feeling on the street level and to encourage complementary uses on upper floors; and to reinforce it as a pedestrian oriented area with a high level of pedestrian amenity; and to reestablish this area as the civic and retail core of the city. Over time it is the objective to restore the historic street facades to maintain the authentic small town feeling. (Ord. 1163 § 1 (part), 2001)

#### 17.24.020 Permitted uses.

In the OTC district or Old Town commercial district the following uses are permitted:

A. Retail stores, specialty shops and personal services that are usually needed to serve residents and visitors to a small community. These uses shall have priority on the street frontage and include:

1. Specialty grocery stores;
2. Meat shops;
3. Retail bakeries, micro-breweries and other specialty food processing when associated with an on-site retail business;
4. Banks or similar financial institutions;
5. Galleries and antique shops;

6. Personal services such as barbershops, beauty parlors, and dressmaking and tailoring;

7. Clothing and general merchandising stores, general retail sales of goods and merchandise;

8. Locksmiths, shoe and other clothing repair shops;

9. Open air markets;

10. Copy shops;

11. Restaurants, cafeterias and catering;

12. Taverns and cocktail lounges;

13. Fraternal organizations;

14. Theaters;

15. Public offices and civic buildings;

16. Drive-through or drive-up facilities when associated with a permitted use and accessed from an alley;

17. Professional and business offices; and

18. Mobile food service unit.

B. Hotels and residential uses shall be located in the upper floors of a building with only necessary entrances and lobbies at the street level.

1. Hotel, motel and inns;

2. Studios for art, music, photography and other similar uses;

3. Apartments or single room occupancy.

C. Public facilities and public utility use.

(Ord. 1222 § 3 (Exh. C (part)), 2004; Ord. 1163 § 1 (part), 2001)

#### 17.24.030 Conditional uses (not fronting on First Street).

1. Undertaking establishments and crematories.

2. Printing establishments and newspaper printing.

3. Parking garages accessed from an alley.

4. Wireless communication facilities when installed on existing buildings and screened from direct view of adjacent streets. (Ord. 1163 § 1 (part), 2001)

#### 17.24.040 Dimensional standards.

1. Height. The height of structures shall be consistent with those of existing buildings and not over three stories or thirty-six feet in height. Design features consistent with the historic context of the area such as building names in the cornice or block corner



turrets may exceed the height limit by ten percent if approved through design review.

2. Yards.

a. Buildings shall be built to the property line adjacent to a public sidewalk at the street.

b. No yards are required except for lots the side lines of which are adjacent to any "R"—Residential or "RM"—Multiple Family Residential district, in which case the side yard setback shall be twenty feet or ten feet, respectively. The setback area shall be fenced and landscaped.

3. Lot Coverage. The entire lot (one hundred percent) may be covered subject to setback and other requirements. (Ord. 1163 § 1 (part), 2001)

**17.24.050 Parking and loading zones.**

1. No on-site parking is required; however properties may be required to participate in programs to provide common parking through fees in lieu of parking, Local Improvement Districts (LID) or other programs adopted by the city.

2. When on-site parking is provided, it must be accessed only from an alley and meet the standards of Chapter 17.56. In the event that alley access is not available, an entry from a side street (i.e., Oaks Street) or Railroad Street may be permitted. (Ord. 1163 § 1 (part), 2001)

**17.24.060 Landscaping.**

Landscaping is not required except for parking areas. Landscaping provided shall be consistent with Chapter 17.64. (Ord. 1163 § 1 (part), 2001)

**17.24.080 Lighting.**

1. Outdoor lighting shall be arranged so as not to produce direct light or glare on public roadways and/or neighboring properties; and

2. Outdoor lighting shall be directed downward and shielded to reduce unnecessary light and glare; and

3. Lighting should be used to accent key architectural elements of the buildings. (Ord. 1163 § 1 (part), 2001)

**17.24.090 Design standards.**

The objective of these design standards is to create a strong identity for the downtown area, and create interesting streets which are visually attractive and easy to use by pedestrians. These standards will be applied to a particular development during the design review process. These design standards are mandatory unless the imposition of the standards will result in construction that is less consistent with the historical character of the area.

1. Building facades facing public streets and/or sidewalks shall create a continuous, interesting facade along the length of the facade. Buildings shall be constructed adjacent to the public sidewalk with no setbacks between the right-of-way and the structure permitted.

2. New structures on corner lots shall be designed to emphasize their prominent location. Primary building entrances shall be located at the street corner.

3. Service and delivery access shall be located away from the pedestrian streets with access from the alley where possible.

4. New structures and improvements shall incorporate design elements which will maintain the integrity of the existing historic structures and respect the historic character of the downtown area. The following design characteristics shall be included for new or remodeled structures:

a. Reflect the cornice line of existing historic structures.

b. Use windows, materials and details similar to the historic properties.

c. Use similar building modulation and proportions.

d. Large ground level display windows.

e. Clearstory windows above the display windows should be used.

f. Retractable fabric or self-supported awnings. Awnings and overhangs shall be supported by the building and not by supports placed in or upon the public right-of-way. No awning or overhang shall extend more than forty percent of the distance between the property line and the outside edge of the

curb and shall maintain a minimum vertical clearance of ten feet.

- g. Flat roof with parapets.
- h. Constructed of brick or wood frame with brick or stone facades.
- i. Two story construction with retail on the bottom floor and office or residential uses above is encouraged.
- j. Second story windows should be double hung windows that are taller than they are wide.
- 5. Protect and preserve buildings of special historic significance and merit (see city list) by:
  - a. Retaining or restoring as many historic features as possible outside and inside, if appropriate.
  - b. Maintaining or restoring original proportions, dimensions or architectural elements.
  - c. Selecting paint and materials (often brick) which are historically accurate, coordinate the entire facade, and respecting adjacent buildings.
  - d. Consulting available historic resources for assistance and detailed information.
  - e. Incorporate historical photographs and information about the building, if available.
- 6. Off-street parking shall be located behind buildings and screened from streets by landscaping or structural elements. (Ord. 1163 § 1 (part), 2001)

## Chapter 17.28

### EC ENTRY COMMERCIAL DISTRICT

#### Sections:

<b>17.28.010</b>	<b>Purpose and design objectives.</b>
<b>17.28.020</b>	<b>Permitted uses.</b>
<b>17.28.030</b>	<b>Conditional uses.</b>
<b>17.28.040</b>	<b>Dimensional standards.</b>
<b>17.28.050</b>	<b>Parking.</b>
<b>17.28.080</b>	<b>Lighting.</b>
<b>17.28.090</b>	<b>Design guidelines.</b>

#### **17.28.010 Purpose and design objectives.**

The purpose of the Entry Commercial District is to provide commercial services and to obtain a unified design of allowed commercial facilities at the entryways to the city.

The objectives are to:

- A. Create a high standard of visual quality in commercial districts at the entry to the city.
  - B. Increase pedestrian, bicycle and vehicular circulation within the district.
  - C. Maintain a human scale and consistent architectural style.
  - D. Produce consistent design.
  - E. Take advantage of special opportunities to create a unified composition of buildings and landscape features.
  - F. Create a sense of entry to the city.
  - G. Buffer development from Interstate-90.
- (Ord. 1163 § 1 (part), 2001)

#### **17.28.020 Permitted uses.**

In the EC district or Entryway commercial districts the following uses are permitted:

- A. Retail stores, shops and motel and restaurant facilities that are usually needed to serve adjacent residential areas and the traveling public, such as:
  - 1. Grocery stores;
  - 2. Meat shops;
  - 3. Retail micro-breweries and other specialty food processing when associated with a retail business;
  - 4. Banks and businesses;

5. Barbershops, beauty parlors and personal service shops;
6. Clothing and general merchandising stores, retail;
7. Hand laundries, clothes cleaning and pressing;
8. Hotels and motels;
9. Locksmiths, shoe and other clothing repair shops;
10. Open air markets;
11. Parking lots;
12. Professional or business offices;
13. Copy companies;
14. Restaurants and cafeterias;
15. Taverns;
16. Service stations, tire repair shops;
17. Public offices and uses;
18. Mobile food service unit.

(Ord. 1222 § 3 (Exh. C (part)), 2004; Ord. 1163 § 1 (part), 2001)

#### **17.28.030 Conditional uses.**

1. Theaters, dancehalls, skating rinks, or other commercial amusement places.
  2. Manufacturing, production or treatment of products clearly incidental to the retail business conducted on the premises.
  3. Wireless communication facilities.
- (Ord. 1163 § 1 (part), 2001)

#### **17.28.040 Dimensional standards.**

- A. Height Limit. Three stories with total height not to exceed three hundred sixty-five feet.
- B. Yards.
  1. Minimum setback from an arterial street shall be ten feet.
  2. No setback is required from internal street rights-of-way.
  3. Yards adjacent to any "R" Residential or "RM" Multiple Family Residential district, the required yard shall be twenty feet and ten feet, respectively.
- C. Lot Size. Lots shall be as large as necessary to meet building code, fire code, yard, parking, and

landscaping requirements. (Ord. 1163 § 1 (part), 2001)

#### **17.28.050 Parking.**

See Chapter 17.56 for required off-street parking and design requirements. (Ord. 1163 § 1 (part), 2001)

#### **17.28.080 Lighting.**

1. Outdoor lighting shall be arranged so as not to direct light or glare on public roadways and/or neighboring properties; and
2. Outdoor lighting shall be directed downward and shielded to reduce unnecessary light and glare; and
3. Pedestrian scale lighting shall be placed at regular intervals along sidewalks throughout the development; and
4. Lighting may be used to accent key architectural elements of the buildings. (Ord. 1163 § 1 (part), 2001)

#### **17.28.090 Design standards.**

The following design standards apply to all development within the zoning district and the intent is to require developments to be designed to create a sense of arrival into the city of Cle Elum and to establish standards which reflect the character and quality to which the community aspires.

1. Buildings shall be located and designed to focus on First Street. Developments with multiple buildings may locate other buildings away from First Street.
2. Building facades facing First Street or internal access drives or roads shall have at least fifty percent of the total wall area in permeable surfaces (windows, pedestrian entrances, open shops, etc.).
3. Parking lots shall be located and designed away from First Street.
4. Monumentation through the use of buildings, signs and landscaping shall be provided at key entranceways to the development.
5. Pedestrian facilities shall be provided from the public right-of-way to the entrances of all buildings open to the public in a continuous and direct route to the primary pedestrian entrance. Pedestrian

routes shall be a minimum of six feet wide and shall be constructed of Portland cement concrete or brick or stone pavers. Pedestrian routes shall be protected from vehicle traffic by curbs, bollards, landscaping or other similar method. Where routes cross vehicle-maneuvering areas they shall be constructed of a different paving material than the vehicle-maneuvering areas.

6. A minimum of twenty percent of the site shall be devoted to landscaping. (Ord. 1163 § 1 (part), 2001)

## **Chapter 17.32**

### **CG GENERAL COMMERCIAL DISTRICT**

#### **Sections:**

<b>17.32.010</b>	<b>Purpose and intent.</b>
<b>17.32.020</b>	<b>Permitted uses.</b>
<b>17.32.030</b>	<b>Conditional uses.</b>
<b>17.32.040</b>	<b>Dimensional standards.</b>
<b>17.32.060</b>	<b>Landscaping.</b>
<b>17.32.080</b>	<b>Lighting.</b>
<b>17.32.090</b>	<b>Design guidelines.</b>

#### **17.32.010 Purpose and intent.**

The General Commercial District is intended to provide areas for a range of commercial uses which serve the community; to establish standards that assure that new uses are compatible with and enhance existing commercial uses; and, to provide protection to uses in other zones. (Ord. 1163 § 1 (part), 2001)

#### **17.32.020 Permitted uses.**

In the CG district or general commercial district the following uses are permitted:

- A. Retail and wholesale stores and shops such as clothing and general merchandise;
- B. Grocery stores;
- C. Meat shops;
- D. Retail bakeries, micro-breweries and other specialty food processing with an associated retail use;
- E. Banks or similar financial institutions;
- F. Barbershops, beauty parlors and personal service shops;
- G. Hand laundries, clothes cleaning and pressing;
- H. Hotels, motels, bed and breakfast rooms and inns;
- I. Lumber yards and building materials, coal and fuel storage, providing that they are housed in buildings completely enclosed by walls and windows, and the yard regulations of this district shall be observed; and provided further that no such lumber yards, building material yards, coal and fuel stores

shall be maintained closer than one hundred feet to the side lines of the R/RM or residential districts;

J. Locksmiths, shoe and other clothing repair shops;

K. Manufacturing, production or treatment of products clearly incidental to the conduct of a retail business conducted on the premises;

L. Professional or business offices;

M. Public offices and uses;

N. Printing establishments and newspaper printing;

O. Auto repair and battery shops, service stations, tire repair shops;

P. Restaurants, cafeterias and catering;

Q. Sales room or store rooms for motor vehicles and other articles of merchandise;

R. Studios;

S. Taverns;

T. Theaters;

U. Commercial day care centers;

V. Open air markets;

W. Mobile food service unit. (Ord. 1222 § 3 (Exh. C (part)), 2004; Ord. 1163 § 1 (part), 2001)

#### **17.32.030 Conditional uses.**

1. Residential uses;
2. Dancehalls, skating rinks, or other commercial amusement places;
3. Undertaking establishments and crematories;
4. Kennels;
5. Machine shops;
6. Mini-warehouses. (Ord. 1163 § 1 (part), 2001)

#### **17.32.040 Dimensional standards.**

A. Height. The height of structures should be consistent with those of existing buildings and not over three stories or thirty-six feet in height. Design features consistent with the historic context of the area such as building names in the cornice or block-corner turrets may exceed the height limit by ten percent if approved as part of the design review process.

B. Yards. No yards are required except for lots adjacent to any "R" residential or "RM" multi-family residential district. Yards adjacent to the residential district shall be twenty feet in width. Yards adjacent to the multiple family residential district shall be ten feet in width.

C. Minimum Lot Size. A minimum of five thousand square feet is required for all new lots. (Ord. 1163 § 1 (part), 2001)

#### **17.32.060 Landscaping.**

A minimum of ten percent of the site shall consist of landscaping consistent with the requirements of Chapter 17.60. See also Chapter 17.60. (Ord. 1163 § 1 (part), 2001)

#### **17.32.080 Lighting.**

1. Outdoor lighting shall be arranged so as not to direct light or glare on public roadways and/or neighboring properties; and

2. Outdoor lighting shall be directed downward and shielded to reduce unnecessary light and glare; and

3. Pedestrian scale lighting shall be placed at regular intervals along sidewalks throughout the development; and

4. Lighting may be used to accent key architectural elements of the buildings. (Ord. 1163 § 1 (part), 2001)

#### **17.32.090 Design guidelines.**

The following design standards apply to all development within the zoning district and are intended to upgrade the visual quality of the commercial areas in the city, reduce impacts to adjacent property, and to establish standards that reflect the character and quality of the city.

1. Buildings shall be located and designed to focus on the public street serving the development.

2. Building facades facing a public street shall have at least fifty percent of the total wall area in permeable surfaces (windows, pedestrian entrances, open shops, etc.) or permanent architectural details such as false windows.

3. When feasible, parking lots shall be located behind or to the side of structures, and shall not be located on a corner of two streets or between a building and the public street, provided, that building sites with more than one street corner are not required to place the building(s) on multiple corners. For additional off-street parking and design requirements see Chapter 17.56.

4. Pedestrian facilities shall be provided from the public right-of-way to the entrances of all buildings open to the public in a continuous and direct route to the primary pedestrian entrance. Pedestrian routes shall be a minimum of six feet wide and shall be constructed of Portland cement concrete or brick or stone pavers. Pedestrian routes shall be protected from vehicle traffic by curbs, bollards, landscaping or other similar method. Where routes cross vehicle-maneuvering areas they shall be constructed of a different paving material than the vehicle-maneuvering areas.

5. Buildings of historic importance and value as indicated by their age and significance to the community or history may not be required to meet the specific design standards if the imposition of the standards will result in development that is less consistent with the historic character of the area. (Ord. 1222 § 3 (Exh. C (part)), 2004; Ord. 1163 § 1 (part), 2001)

## **Chapter 17.34**

### **BUSINESS PARK DISTRICT**

#### **Sections:**

- 17.34.005 Purpose.**
- 17.34.010 Permitted uses.**
- 17.34.020 Accessory uses.**
- 17.34.030 Conditional uses.**
- 17.34.040 Front yard.**
- 17.34.050 Rear yard.**
- 17.34.060 Side yard.**
- 17.34.070 Site area.**
- 17.34.080 Height limit.**
- 17.34.090 Lot coverage.**
- 17.34.100 Landscaping and screening.**
- 17.34.110 Design guidelines.**

#### **17.34.005 Purpose.**

The purpose of the business park district is to provide areas for light manufacturing, wholesale trade, warehousing, business and professional services, research and related activities enclosed within buildings and with high standards for development. (Ord. 1163 § 1 (part), 2001)

#### **17.34.010 Permitted uses.**

No building or premises shall be used, and no building shall hereafter be erected, moved into the district or structurally altered, unless otherwise provided in this title, except for one or more of the following uses:

- A. Catalog or Internet sales;
- B. Business and professional offices;
- C. Commercial testing laboratories;
- D. Research and development laboratories;
- E. Research, financial or information processing offices;
- F. Scientific research, testing, developmental and experimental laboratories;
- G. Vocational/technical schools;

H. Manufacturing, processing, assembling and packaging of articles, products or merchandise from previously prepared natural or synthetic materials;

I. Manufacturing, processing, treating, assembling and packaging of articles, products or merchandise from previously prepared ferrous, non-ferrous or alloyed metals (such as bar stock sheets, tubes, and wire and other extrusions);

J. Printing, publishing and allied industries;

K. Warehousing and distribution facilities, when enclosed within a building;

L. Wireless communication facilities. (Ord. 1163 § 1 (part), 2001)

#### **17.34.020 Accessory uses.**

The following uses shall be permitted within the BP District when accessory to an outright permitted use and intended to serve employees of the BP district:

A. Cafeteria, sandwich and coffee shops;

B. Daycare centers;

C. Health clubs;

D. Dwelling unit for caretaker or watchman;

E. Outdoor uses customarily appurtenant to permitted uses enclosed within buildings, including off-street parking areas, loading and unloading areas, etc. (Ord. 1163 § 1 (part), 2001)

#### **17.34.030 Conditional uses.**

The following purposes and uses of buildings shall be allowed only upon approval of a conditional use permit in accordance with the provisions of Chapter 17.80:

A. Public/community facilities;

B. Any outright permitted use whose operations are predominately conducted out-of-doors, rather than completely enclosed within a building. (Ord. 1163 § 1 (part), 2001)

#### **17.34.040 Front yard.**

There shall be a front yard having a minimum depth of twenty feet. (Ord. 1163 § 1 (part), 2001)

#### **17.34.050 Rear yard.**

There shall be a rear yard having a minimum depth of fifteen feet, except when abutting an "R" residential or "RM" multi-family residential district in which case the rear yard shall be a minimum of twenty-five feet. (Ord. 1163 § 1 (part), 2001)

#### **17.34.060 Side yard.**

There shall be an interior side yard or side-street side yard of not less than fifteen feet in width on each side of a building. Side yards abutting any "R" residential or "RM" multi-family residential district shall be not less than thirty feet in width. (Ord. 1163 § 1 (part), 2001)

#### **17.34.070 Site area.**

For every building hereafter erected or structurally altered or moved into the district there shall be provided a lot area of not less than twenty thousand square feet. (Ord. 1163 § 1 (part), 2001)

#### **17.34.080 Height limit.**

No building hereafter erected or structurally altered within or moved into the district shall exceed three stories or thirty-six feet in height. (Ord. 1163 § 1 (part), 2001)

#### **17.34.090 Lot coverage.**

The lot area covered by structures shall not exceed forty percent of the lot area. (Ord. 1163 § 1 (part), 2001)

#### **17.34.100 Landscaping and screening.**

A. Loading docks, service bays and associated maneuvering areas shall be located outside the public right-of-way and shall be landscaped as necessary to screen said loading areas from any adjacent public right-of-way.

B. A minimum fifteen foot landscaped strip shall be provided adjacent to all street rights-of-way.

C. A minimum twenty-five foot fenced landscape strip shall be provided adjacent to any residentially zoned property.

D. Off-street parking areas shall be located to the side or in the rear of buildings and shall be screened from adjacent public rights-of-way and adjacent residential areas by sight-obscuring landscaping or a fence. Landscaping requirements within the parking area are described in Section 17.64.040.

E. All required yards, parking areas, storage areas, operations yards, and other open uses on the site shall be maintained in a neat and orderly manner appropriate for the district at all times. (Ord. 1163 § 1 (part), 2001)

**17.34.110 Design guidelines.**  
(To be developed)

**Chapter 17.36**

**I INDUSTRIAL DISTRICT**

**Sections:**

**17.36.010 Purpose and intent.**

**17.36.020 Permitted uses.**

**17.36.030 Conditional uses.**

**17.36.040 Performance standards.**

**17.36.050 Design standards.**

**17.36.010 Purpose and intent.**

This district is intended to accommodate a broad range of industrial activities and to protect such uses and districts from encroachment by conflicting land uses. (Ord. 1163 § 1 (part), 2001)

**17.36.020 Permitted uses.**

The following uses and their customary accessory uses are permitted outright in the industrial district when they are developed and used in a manner that complies with the performance standards and aesthetic objectives of this chapter:

A. Manufacturing, rebuilding and/or repairing nonmetal or mineral products;

B. Warehouse establishment;

C. Wholesale establishment;

D. Accessory retail uses, where products manufactured on site are sold to the general public;

E. Office buildings related to permitted uses conducted on the same premises or within the industrial district;

F. Food and dry goods processing, packaging and distribution operations;

G. Welding and metal fabrication shops;

H. Vehicle and machinery repair and storage;

I. Transportation terminals;

J. Contractor's offices, shops and storage yards;

K. Scientific research, testing, developmental and experimental laboratories;

L. Public utility and governmental structures and/or uses;

M. Agricultural use of the land;



N. Veterinary clinic within the enclosed structure;

O. Wireless communication facilities;

P. Retail sales involving equipment or vehicles normally stored or displayed outside and used for manufacturing, farming or construction. (Ord. 1191, § 1, 2003; Ord. 1163 § 1 (part), 2001)

#### **17.36.030 Conditional uses.**

Because of considerations of odor, dust, smoke, noise, fumes, vibration or hazard, the following uses shall not be permitted in the industrial district unless a conditional use permit authorizing such use has been granted by the city council. The following purposes and uses of buildings shall be allowed only upon approval of a conditional use permit in accordance with the provisions of Chapter 17.80:

A. Chemical manufacture, storage and/or packaging;

B. Asphalt manufacture, mixing or refining;

C. Automobile dismantling, wrecking or junkyards;

D. Cement, lime, gypsum or plaster of paris manufacture;

E. Drop forge industries;

F. Reduction or disposal of garbage, offal or similar refuse;

G. Rubber reclaiming;

H. Feed yards, livestock sales yards or slaughterhouses;

I. Smelting, reduction or refining of metallic ores;

J. Tanneries;

K. Wineries;

L. Manufacturing of industrial or household adhesives, glues, cements or component parts thereof, from vegetable, animal or synthetic plastic materials;

M. Waste (refuse) recycling and processing. (Ord. 1163 § 1 (part), 2001)

#### **17.36.040 Performance standards.**

All permitted, conditional and accessory uses in the industrial zone shall comply with the following performance standards:

A. All uses shall be subject to strict compliance with Washington state standards for noise, odor, air quality, smoke and hazardous materials.

B. No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level that exceeds sixty dBA in any residential district. Specifically exempted from this requirement are emergency signaling devices, operating motor vehicles and lawnmowers, railroads, or aircraft.

C. Continuous frequent or repetitive vibrations that can be detected by a person of normal sensitivities at the property line shall not be produced. Vibrations from temporary construction activities, motor vehicles and vibrations occurring on an infrequent basis lasting less than five minutes are exempt.

D. Continuous, frequent or repetitive odors that exceed centimeter No. zero may not be produced. Odors lasting less than thirty minutes per day are exempt. The odor threshold is the point at which an odor may just be detected. The centimeter reading is based on the number of clear air dilutions required to reduce the odorous air to the threshold level. Centimeter No. zero is one to two dilutions of clear air.

E. All lighting shall be arranged so as not to produce glare on public roadways and/or neighboring non-industrial properties. Welding, acetylene torch or other similar processes shall be performed inside an enclosed structure.

F. All vehicle travelways, parking spaces and storage areas shall be paved with Portland cement concrete, asphalt cement pavement to eliminate dust as a result of wind or usage. Open areas shall be landscaped and/or maintained to minimize dust. Sites with its only access from an unpaved city street may provide alternative dust control measures in place of the required pavement.

G. All uses shall be subject to the collection and suitable disposal of on-site generated water

runoff. A building permit and a drainage plan shall be submitted to the planning director for approval. The collection system shall be installed and functional prior to the issuance of a final building permit.

H. All open storage shall be enclosed by a six-foot-high security fence and/or an attractive hedge six feet in height so as to provide a fully site obscuring buffer when adjacent to public roads, and rights-of-way and any non-industrial district. (Ord. 1163 § 1 (part), 2001)

#### **17.36.050 Design standards.**

A. The following setbacks from property lines and screening standards shall apply to all development in the industrial district:

1. Building, parking spaces and storage areas shall be located no closer than ten feet from property lines.

2. Building, parking spaces and storage areas abutting a residential zoning district shall be located no closer than twenty feet from property lines.

B. The minimum lot size for new lots is twenty thousand square feet.

C. No building hereafter erected or structurally altered within or moved into the district shall exceed three stories or thirty-six feet in height.

D. A minimum of ten percent of the site shall be landscaped. (Ord. 1163 § 1 (part), 2001)

## **Chapter 17.45**

### **PMU PLANNED MIXED USE DISTRICT Sections:**

**17.45.010 Purposes and objectives.**

**17.45.020 Mixed use approval required.**

**17.45.030 Mixed use approval—  
Exemptions.**

**17.45.040 Mix of uses encouraged.**

**17.45.050 Uses permitted.**

**17.45.060 Development standards.**

**17.45.070 Application procedures.**

**17.45.080 Application for mixed use  
approval.**

**17.45.090 Approval criteria.**

**17.45.100 Mixed use final plan.**

**17.45.110 Subsequent approvals and  
permits.**

**17.45.120 Concurrent processing of  
development proposal  
applications.**

**17.45.130 Sureties.**

**17.45.140 Expiration of mixed use  
approval.**

**17.45.150 Amendment of final plan.**

#### **17.45.010 Purposes and objectives.**

A. The PMU district is established to apply to larger parcels of land with significant development potential and to achieve the following purposes:

1. To assure that large new development creates a complete and interdependent Cle Elum community that contains a mix of land uses that provides for most of the daily needs of its residents and visitors including recreation, employment, housing affordable to all residents and education;

2. To obtain development within the city with imaginative site planning in a compatible mixture of land uses that will encourage pedestrian rather than automotive access to employment opportunities and goods and services;

3. To encourage building design that is in keeping with the climate and the traditional rural, small town, mountain character of the Cle Elum area;

4. To ensure sensitivity in land use and design to adjacent land uses within the PMU district, and to avoid creating incompatible land uses;

5. To ensure that all development gives adequate consideration to and provides mitigation for the impacts it creates with respect to transportation, public utilities, open space, recreation and public facilities, and that circulation, solid waste disposal and recycling, water, sewer and stormwater systems are designed to the extent feasible to be adequate to serve future adjacent development that can reasonably be expected; and

6. To ensure that development protects and preserves the natural environment to the maximum extent possible, including but not limited to protecting the water quality of the Cle Elum and Yakima Rivers, contributing to the long-term solution of flooding problems, protecting wetlands and sensitive areas, protecting views and providing a wooded background and ridge adjacent to the community.

B. Each proposal for development within the PMU district shall conform to the Cle Elum comprehensive plan, any applicable subarea plan and applicable annexation and/or development agreements, and will advance the achievement of the foregoing purposes of the PMU district as well as the following objectives:

1. To preserve or create open space for the enjoyment of the residents of the city, employees of businesses located within the city and the general public;

2. To create attractive, pedestrian-oriented neighborhoods with a range of housing types, densities, costs and ownership patterns;

3. To provide access to employment opportunities and goods and services in close proximity to residential uses;

4. To provide a balanced mix and range of land uses within and adjacent to the development that minimize the necessity for the use of automobiles on a daily basis;

5. To use the highest quality architectural design and a harmonious use of building materials;

6. To provide a variety of street sizes and designs, including narrow streets designed principally for the convenience of pedestrians as well as streets of greater width designed primarily for vehicular traffic;

7. To provide commons, greens, parks or civic buildings or spaces as places for social activity and assembly for the neighborhood and community;

8. To provide clustered development to preserve open space within the corporate limits of the city while still achieving an appropriate overall density for the city; and

9. To maintain Old Town as the principal retail center for the City of Cle Elum. (Ord. 1180 § 3 (part), 2002)

#### **17.45.020 Mixed use approval required.**

A. Subject to the provisions of CEMC 17.45.303, no land shall be used, subdivided, cleared, graded or filled and no building or structure shall be constructed, altered or enlarged within the PMU district except under the authority of an approved final plan pursuant to CEMC 17.45.140 issued through the process established in this chapter.

B. For purposes of this chapter, "development proposal" means a proposal for any of the activities for which prior mixed use approval is required pursuant to subsection A of this section. (Ord. 1180 § 3 (part), 2002)

#### **17.45.030 Mixed use approval—Exemptions.**

A. Road and utility transmission corridors, including electric, telephone, natural gas, television cable, water and sewer, may be constructed in and across the PMU district without an approved final plan, when approved by the city planner, as necessary to serve citywide or regional needs. All proposed road and utility transmission corridors in the PMU district intended solely to serve existing or future development in the PMU district shall be considered as part of an application for planned mixed use approval, and may not be considered pursuant to the authority of this section.

B. Temporary uses and structures, including those for which a grading, clearing or building permit is required may be approved by the city planner without an approved final plan upon a determination that structures can be removed and the area restored to its previous condition without altering the natural characteristics of the property or a significant feature thereof to an appreciable degree. Such temporary structures may be established as permanent features if included in the approved final plan.

C. All approvals under the provisions of this section may include conditions appropriate to ensure to the maximum extent possible that the use or structure approved does not create an impediment to the eventual development of the property to achieve the purposes and objectives of this chapter and do not impact any sensitive area (i.e., wetland, steep slope). Any proposal may be denied if it is found to create a significant impediment to the eventual development of the property or adversely impact environmentally sensitive areas to achieve the purposes and objectives of this chapter that cannot be mitigated by appropriate conditions. (Ord. 1180 § 3 (part), 2002)

#### **17.45.040 Mix of uses encouraged.**

The PMU district allows and encourages a mixture of land uses, both vertically and horizontally, on one parcel or several contiguous combined parcels, but does not require such a mixture of uses on-site, provided the development proposal, when considered in relation to surrounding development, achieves the purposes and objectives of this chapter. (Ord. 1180 § 3 (part), 2002)

#### **17.45.050 Uses permitted.**

A. All principally and conditionally permitted uses in this title may be allowed in the PMU district pursuant to an approved final plan provided that retail and service uses shall be limited to those convenience retail and service uses that are sized and designed to serve the residents or employees of the PMU zone and provided further specific uses permitted only in industrial districts

pursuant to CEMC 17.24, and indicated in subsection B, which shall be prohibited in the PMU district, unless a special finding has been made as described in subsection B of this section.

B. The following uses may be allowed in the PMU district only upon a special finding pursuant to subsection C of this section:

1. Manufacturing, rebuilding and/or repairing nonmetal or mineral products;
2. Welding and metal fabrication shops;
3. Vehicle and machinery repair and storage;
4. Transportation terminals;
5. Contractor's offices, shops and storage yards;
6. All chemical manufacture, mixing or refining;
7. Asphalt manufacture, mixing or refining;
8. Automobile dismantling, wrecking or junkyards;
9. Blast furnaces or coke ovens;
10. Cement, lime, gypsum, or plaster of paris manufacture;
11. Drop forge industries;
12. Explosives, storage or manufacture;
13. Reduction or disposal of garbage, offal or similar refuse;
14. Oil refining;
15. Rubber reclaiming;
16. Feed yards, livestock sales yards or slaughterhouses;
17. Smelting, reduction or refining of metallic ores;
18. Tanneries;
19. Manufacturing or industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials.

C. The uses specified in subsection B of this section may be permitted in the PMU zone only upon a special finding by the city council that the proposal is for:

1. Public facilities deemed necessary by the city to protect or promote the public health, safety and welfare;

2. The proposed use:

a. Promotes the public health, safety and welfare,

b. Can be carried on within a development proposal without greater traffic, noise, glare, air or water pollution impacts or other environmental impacts than other uses not subject to the prohibition of this section, and

c. Does not materially hinder the achievement of the objectives of this chapter and provides a net benefit to the city. (Ord. 1180 § 3 (part), 2002)

**17.45.060 Development standards.**

A. It is the intention of this chapter to encourage development proposals not constrained by fixed development standards, and toward that end, deviation from the development standards set forth in subsection D of this section or other standards of this code, except those specified in subsection B of this section, may be authorized when the city council finds, with the advice of the planning commission, that compared to such standards, such deviation would advance the achievement of the stated purposes and objectives of the PMU district at the completion of the development.

B. The development standards in this section shall apply to all development proposals within the PMU district unless an adopted subarea plan or annexation implementation agreement specifies different standards, in which case the standards specified in the subarea plan or development agreement shall apply.

1. All property in one ownership shall be included in a PMU application;

2. The minimum acreage for a mixed use final plan shall be of such size that the applicant can demonstrate the ability to incorporate the intent of this chapter;

3. At least thirty-five percent of the total acreage within the proposed final plan must be dedicated to open space, natural areas, parks, recreation areas, or village greens, commons or public assembly areas, excluding streets and parking areas;

4. The tract or tracts of land included in a proposed mixed use final plan in a PMU district must be in one ownership or control, or be the subject of a joint application by the owners of all the property included;

5. Proposed circulation, solid waste disposal and recycling, water, sewer and stormwater management systems shall be designed in such a manner to allow adequate and efficient future expansion to accommodate development which can reasonably be anticipated on adjacent or nearby lands within the City of Cle Elum or the UGA;

6. The siting of compatible land uses shall be encouraged to the greatest extent possible through the use of sensitive site planning, use of landscaping, buffering and open space;

7. A lighting plan that provides sufficient illumination without significantly diminishing the ambient darkness of the rural setting. Outdoor lighting shall be designed so as not to direct light and/or glare on public roadways and/or neighboring properties. All outdoor lighting shall be fully cut off with the light fully shielded to reduce unnecessary light and glare. No lighting shall exceed a level of thirty footcandles;

8. Average density for single family to be four dwelling units per acre; minimum density for multi-family to be eight units per acre; maximum density for multiple family to be twelve to fifteen dwelling units per acre. Submittal of the final plan shall include sufficient information to determine that all proposed lots have adequate buildable area for the proposed use;

9. Maximum building height: three stories or thirty-five feet, whichever is lower;

10. Include provisions for a floor area ratio for business park; maximum amounts of impervious surface and building coverage for the various uses; refer to the city's zoning code; and

11. All other requirements of the Cle Elum Municipal Code such as parking, landscaping street standards, etc., unless specifically modified by a subarea plan or development agreement. (Ord. 1180 § 3 (part), 2002)

**17.45.070 Application procedures.**

Planned mixed use master site plan applications are considered a Type IV process pursuant to Chapter 17.100. Applications shall be processed in accordance with the procedures established by Chapter 17.100 of this title. Provided, that the time limits for decisions established by Section 17.100.120 of this title are not applicable because of the complex nature of the applications and the large areas covered. (Ord. 1180 § 3 (part), 2002)

**17.45.080 Application for mixed use approval.**

All applications for approval of a development proposal in the PMU district shall, at a minimum, include the following:

A. A statement about the objectives and character of the proposed development. It should outline the concept for the development with a summary of the uses, their density or intensity, the circulation system (vehicular, bike, pedestrian and recreation), provision of public facilities, and relationship to adjacent jurisdictions or development. It should summarize how it meets the purposes and objectives of the planned mixed use district and applicable plans;

B. A site plan, which includes one or more drawings at a scale prescribed by the planning director, showing the following:

1. The location of the site and its relationship to the surrounding areas, including the current land use, natural features, existing road and trail network and the zoning of both the site and the surrounding areas;

2. The existing site conditions, including topography at not less than ten-foot intervals, water bodies, soil types, geologic conditions, sensitive areas, easements, vegetative cover, historical or archaeological sites and other factors or constraints that may shape future use and development;

3. The approximate location and size of all existing and proposed uses, including notations of maximum heights; types and designs of dwelling units, buildings, structures and other improvements; density per type; affordable housing and

renderings of a typical streetscape, character of multiple-family, business park and other more intense uses and/or typical lot configuration;

4. The location and approximate size in acres or square feet of all areas to be conveyed, dedicated or reserved as open space, natural areas, parks, recreation areas, or greens, commons or public assembly areas or similar public uses;

5. The existing and proposed circulation system of arterial and collector streets, including if known, the approximate general location of local streets, off-street parking, service and loading areas, and major points of access to public rights-of-way, with notations of proposed public ownership;

6. The existing and proposed pedestrian/recreation circulation system, including approximate locations of bicycle lanes and other recreation trails, including internal connections to regional trails;

7. The existing and proposed major utility systems, including sanitary sewers, storm drainage pipes and detention facilities, sewers, gas, electric power, communications and water;

8. The existing and proposed public transportation services and facilities.

C. In addition to the graphic illustrations set forth in subsection B of this section, the applicant shall submit the following in such form as the city planner may specify:

1. A legal description of the subject property;
2. The program for development, including phasing or completion schedules, if any, and the anticipated project completion date;

3. Proposed design standards for minimum lot area, width, frontage, and yard requirements, street standards, building heights, and parking provisions, as applicable;

4. A list of the items, issues or subjects to be provided for by restrictive covenants and/or design and architectural guidelines;

5. Proposed provisions to assure the permanence and maintenance of common open space and recreational facilities;

6. Proposed landscape standards to apply to open space and yards, and the proposed treatment of required buffers between uses on-site, if any, and around the perimeter of the development, including materials and techniques to be used, such as types of vegetation, screens, fences and walls;

7. The proposed method of street lighting and signing;

8. The proposed plan for solid waste disposal and recycling and a proposal for adequate maintenance of such facilities;

9. A detailed affordable housing program including numbers of units by price ranges, schedules with restrictions and monitoring to assure continuation as affordable units;

10. A statement identifying applicable policies of the Cle Elum comprehensive plan, any subarea plan and any annexation and/or development agreements, and demonstrating how the development proposal meets such policies and the purposes and objectives of this chapter;

11. A list of applicable conditions or mitigations applicable to the development identified in the environmental analysis, development agreements, final master plan approval or specific project approvals;

12. The signature of the applicant or agent authorized to act on behalf of the applicant, with evidence of the agent's authority;

13. Fees or deposits as provided for in CEMC 16.48.

D. The applicant shall include an assessment of the projected public revenues and expenditures that reflects the construction phases as defined in the planned mixed use master plan;

E. The application shall include a SEPA checklist or a written request for a determination of significance, acknowledging that an environmental impact statement will be required, in lieu of such checklist. If an environmental impact statement has been completed which is applicable to the application, the applicable mitigation measures shall be identified as part of the application;

F. Such other information or studies shall be provided as the city planner may deem necessary to fully evaluate the proposed mixed use final plan's compliance with this chapter, any applicable subarea plan or annexation/development agreement and other applicable ordinances and regulations of the city. (Ord. 1180 § 3 (part), 2002)

#### **17.45.090 Approval criteria.**

Approval of the PMU district shall require the following findings:

A. The development proposal substantially complies with the Cle Elum comprehensive plan, the policies of any applicable subarea plan, the requirements of any applicable annexation implementation agreement and the purposes and objectives of this chapter, and including but not limited to the following:

1. The purposes and objectives of CEMC 17.45.010 and 17.45.020 specifically advanced by the proposal;

2. Adequacy of the provisions for each of the following, where applicable:

- a. Water supply;
- b. Wastewater treatment facilities;
- c. Stormwater management;
- d. Power supply;
- e. Schools;
- f. Affordable housing;
- g. Open space, natural areas, parks, recreation areas, or greens, commons or public assembly areas;

h. Municipal services and facilities;

i. Fiscal impact guarantees; and

j. Transportation systems management.

3. Environmental impacts and mitigation, including but not limited to the following, where applicable:

- a. Wetlands protection;
- b. Sensitive areas protection;
- c. Habitat protection;
- d. Quiet and dark night sky;
- e. Water quality protection; and
- f. Air quality protection. (Ord. 1180 § 3 (part), 2002)

**17.45.100 Mixed use final plan.**

A. The site plan and conditions, as approved by city council, shall constitute the "final plan" for purposes of this chapter. Approval of the final plan does not of itself authorize development, but provides the standards against which applications for subsequent approvals and permits for development proposals are to be reviewed. The final plan is intended to provide a framework within which future discretionary review, including but not limited to subdivisions, binding site improvement plans and design review, will be conducted.

B. Approval of the final plan constitutes mixed use approval.

C. The final plan shall be recorded with the Kittitas County Auditor's Office.

D. The city planner shall maintain a true, accurate and complete copy of the final plan. (Ord. 1180 § 3 (part), 2002)

**17.45.110 Subsequent approvals and permits.**

A. Applications for subsequent permits and approvals shall be approved only when substantially in conformance with the approved final plan.

B. The city planner shall determine within forty-five days after receipt whether any application subsequent to approval of the final plan is substantially in conformance therewith. All applications will be reviewed consistent with the requirements of CEMC 17.100, Procedures.

C. The subsequent application shall be considered substantially in conformance with the approved final plan when the proposal:

1. Is within the scope and intent of the final plan;
2. Is of a similar size and scale and does not present appreciably different environmental effects from those identified during the final plan review process;
3. Does not reduce overall acreage identified as dedicated public areas, open space or buffering areas;
4. Does not materially change the balance of uses; and

5. Does not exceed the limitations of any development standards approved pursuant to CEMC 17.45.060.

D. Notice of the city planner's determination as to whether a subsequent application is substantially in conformance with the approved final plan shall be mailed to the applicant and published, and such determination shall be final unless appeal is taken to the city council within fifteen days after the date of publication.

E. Applications for subsequent subdivisions or permits for construction shall include the proposed covenants, conditions and restrictions, and any other matter required as a condition of the final plan.

F. A determination of consistency with the final plan shall not exempt the subsequent application from the necessity of obtaining any other required local, state or federal permits or compliance with any other applicable requirements. (Ord. 1180 § 3 (part), 2002)

**17.45.120 Concurrent processing of development proposal applications.**

Applications for development approvals, including but not limited to subdivisions, may be submitted with applications for mixed use approval and may, to the extent practicable, be processed concurrently. (Ord. 1180 § 3 (part), 2002)

**17.45.130 Sureties.**

When the final plan approves phased development, conditions shall be established for sureties or other performance guarantees acceptable to the city for infrastructure, open space, landscaping and any other performance required as a condition of mixed use approval. (Ord. 1180 § 3 (part), 2002)

**17.45.140 Expiration of mixed use approval.**

A mixed use approval shall expire and become void unless substantial construction is commenced within two years of the date of approval of the final plan, or within a longer period if specifically authorized in the phasing or construction sched-



ules approved in the final plan and is substantially completed within the approved phasing or construction schedules; provided, such time periods shall be tolled during the pendency of any litigation related to the mixed use project that prevents the applicant from commencing or completing such construction; and further provided, that prior to the expiration of the mixed use approval, an applicant may apply directly to the city council for one or more extensions not to exceed one year each. The city council shall approve such extension or extensions upon a finding of good cause. (Ord. 1180 § 3 (part), 2002)

#### **17.45.150 Amendment of final plan.**

All provisions of this chapter shall apply to applications for amendment of an approved final plan, except such application need only detail the proposed changes. All changes to the approved final plan, which are not determined to be in substantial conformance therewith pursuant to CEMC 17.45.110, including any request to materially alter the entire phasing schedule contained in a mixed use approval, shall require amendment of the final plan. (Ord. 1180 § 3 (part), 2002)

## **Chapter 17.50**

### **P PUBLIC RESERVE AREA DISTRICT**

#### **Sections:**

#### **17.50.010 Permitted uses.**

#### **17.50.020 Displaying of merchandise prohibited.**

#### **17.50.030 Structure approval required.**

#### **17.50.040 Yards and building height.**

#### **17.50.010 Permitted uses.**

In the P district or public reserve area district, no building or premises shall be used and no building shall be hereafter erected or structurally altered or moved into such district unless otherwise provided in this title, except for one or more of the following uses:

A. Governmental buildings and uses, federal, state, county, municipal or other governmental subdivisions;

B. Hospitals and sanitoriums, public and private, except those for inebriates, insane persons, or mentally diseased persons, subject to regulations of the health department;

C. Institutions for education, philanthropic or eleemosynary charitable uses;

D. Libraries, art galleries and museums;

E. Parks, playgrounds, tennis courts, swimming pools, and like recreational uses;

F. Schools, public and private. (Ord. 1163 § 1 (part), 2001)

#### **17.50.020 Displaying of merchandise prohibited.**

This district is reserved for public and semipublic uses. All display of merchandise or products, all advertising devices and all manufacturing is prohibited. Buildings requiring services such as food, drugs, cigars, etc., usual to a public building, office building or hotel, may contain same within the interior. Entrances from streets must not display advertising on same. Street deliveries are prohibited except for certain designated hours or buildings shall be so designed as to facil-

itate unloading fuel and merchandise from vehicles in an alley, or in a driveway or loading area located off the streets. (Ord. 1163 § 1 (part), 2001)

**17.50.030 Structure approval required.**

All structures contemplated for this district must first have plans, specifications and uses approved by the city council, and no such structure shall be built, altered or moved into such district unless a permit therefor has first been obtained from the city council. Such plans, specifications and uses may be permanently filed in the office of the city clerk. (Ord. 1163 § 1 (part), 2001)

**17.50.040 Yards and building height.**

Front yards, side yards and rear yards shall all have a minimum depth of fifteen feet. The building height limit shall be thirty-five feet. (Ord. 1163 § 1 (part), 2001)

**Chapter 17.56**

**OFF-STREET PARKING AND LOADING REQUIREMENTS**

**Sections:**

**17.56.010 Purpose.**

**17.56.020 Applicability.**

**17.56.030 Pre-existing buildings.**

**17.56.040 Parking standards.**

**17.56.050 Size and design standards.**

**17.56.060 Stacking space.**

**17.56.070 Loading space.**

**17.56.080 Lighting.**

**17.56.010 Purpose.**

The purpose of this section is to provide adequate off-street parking and loading spaces for all uses permitted by this title, to reduce demand for parking by encouraging alternative means of transportation, and to increase pedestrian mobility within the city by:

A. Setting minimum off-street parking and loading standards for different land uses. Said standards shall assure safe, convenient and adequately sized parking facilities.

B. Providing incentives to rideshare through preferred parking arrangements.

C. Providing for the parking and storage of bicycles.

D. Providing safe, direct, pedestrian access from public rights-of-way to structures and between structures.

E. Providing space for public/private shuttle service. (Ord. 1163 § 1 (part), 2001)

**17.56.020 Applicability.**

A. Before any occupancy permit may be granted for any new or enlarged building or for a change of use in any existing building, the -use shall be required to meet the provisions of this chapter.

B. If this chapter does not specify a parking requirement for a land use, the city planner or

designated representative shall establish the minimum requirement based on a review of similar land uses and, if deemed necessary by the city, a study of anticipated parking demand. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, or an equally qualified individual as approved by the city. Transportation demand management actions shall be considered in determining anticipated demand.

C. If any of the required off-street parking is to be provided off-site, the applicant shall provide written agreements with affected landowners showing that the required off-street parking shall be provided in a manner consistent with the provisions of this chapter. If approved by the city, these agreements shall be recorded with the county as a deed restriction on the title to all applicable properties. These deed restrictions may not be revoked or modified without city authorization.

D. Within the Old Town Commercial District, no on-site parking is required; properties may, however, be required to participate in programs to provide common parking through fees in lieu of parking, local improvements districts, or

other programs approved by the city. (Ord. 1163 § 1 (part), 2001)

#### **17.56.030 Pre-existing buildings.**

If a pre-existing building does not provide sufficient off-street parking, the building may be remodeled or rehabilitated (but not enlarged) without providing additional parking if the existing use within the building remains unchanged or is changed to a use with the same or lesser parking demand. If the use is changed or enlarged, any additional parking required must be provided. The requirements of this section shall apply to only to the additional parking demand that would be created by the new use above the existing use. (Ord. 1163 § 1 (part), 2001)

#### **17.56.040 Parking standards for land uses.**

No use may be established without providing off-street parking in the amount indicated in this section. Uses may provide seventy-five to one hundred twenty-five percent of the standard amount indicated. On-street parking directly abutting the use may be credited to the required parking amount, provided the parking is available and the individual spaces marked on the street.

##### **A. Residential.**

Single-family detached, duplex, townhouses

2.0 spaces per dwelling unit

Accessory Dwelling Unit

1.0 spaces per dwelling unit

Multi-family

1.0 spaces per dwelling unit

Studio units

One+ bedroom units

2.0 spaces per dwelling unit

Senior Citizen, Assisted

0.5 spaces per dwelling or sleeping unit

Community residential facilities  
(group homes, etc.)

1.0 spaces per two bedrooms

Bed and breakfast guesthouse

1.0 spaces per guest room, plus 2.0 per facility

##### **B. Commercial Activities.**

Banks

1.0 spaces per each 200 sq. ft. of gross floor area<sup>1</sup>

Professional and business offices

1.0 spaces per each 250 sq. ft. of gross floor area<sup>1</sup>

Shopping centers	4.0 spaces per 1000 sq. ft. of gross leaseable area (GLA) for centers having a GLA of 400,000 sq. ft. or less; 4.5 spaces per 1000 sq. ft. of GLA for centers having a GLA of over 400,000 sq. ft.
Restaurants, nightclubs, taverns	1.0 spaces per each 100 sq. ft. of gross floor area <sup>1</sup>
Retail stores, supermarkets, department stores, personal service	1.0 spaces per each 200 sq. ft. of gross floor area <sup>1</sup>
Other retail (furniture, appliance, hardware, service shops, shoe repair)	1.0 spaces per each 500 sq. ft. of gross floor area <sup>1</sup>
Uncovered commercial area, new and used car lots, plant nursery	1.0 spaces per each 5,000 sq. ft. of retail sales area in addition to any parking required for the buildings <sup>1</sup>
Motor vehicle repair and service	1.0 spaces per each 400 sq. ft. of gross floor area <sup>1,4</sup>
Industrial show room and display	1.0 spaces per each 500 sq. ft. of display area
Bulk retail stores	1.0 spaces per each 350 sq. ft. of gross floor area
Hotel/Motel (excluding restaurant)	1.0 spaces per unit plus 2.0 spaces per each 3 employees on site at any one time.
<b>C. Industrial Activities.</b>	
Manufacturing, research and testing laboratories, bottling establishments, bakeries, printing and engraving	1.0 spaces per each 1,000 sq. ft. of gross floor area;
Warehouse and storage buildings	1.0 spaces per each 2,000 sq. ft. of gross floor area
Self-service storage	1.0 space per 3,500 sq. ft. of storage area, plus 2.0 spaces per any residential/caretaker unit
<b>D. Recreation—Amusement—Cultural—Government Activities.</b>	
Auditoriums, theaters, places of public assembly, stadiums, outdoor sports areas	1.0 spaces per each four fixed seats or 1.0 space per 100 sq. ft. of floor area of main auditorium or of principle place of assembly, whichever is greater.
Bowling alleys	5.0 spaces per bowling lane
Dancehalls and skating rinks	1.0 spaces per each 200 sq. ft. of gross floor area
Golf course	3.0 spaces per hole, plus 1.0 space per 300 sq. ft. of club house facilities
Golf driving range	1.0 parking space per each driving station
Miniature golf courses	1.0 parking space per each hole
Recreational buildings	1.0 spaces per each 200 sq. ft. of gross floor area

## Libraries and museums

1.0 spaces per each 250 sq. ft. in office and public use

## E. Educational Activities.

## Elementary, middle/junior high schools

1.0 space per employee, plus 1.0 space per 30 students. If buses for transportation of students are kept at the school, parking space (of sufficient size to park the bus) shall be provided for each bus. 1.0 additional space for each 100 students shall be provided for visitors in the vicinity of or adjacent to, the administrative portion of the building.

## High schools

1.0 space per employee, plus 1.0 space per each 10 students. If buses for transportation of students are kept at the school, parking space (of sufficient size to park the bus) shall be provided for each bus. 1.0 additional space for each 100 students shall be provided for visitors in the vicinity of, or adjacent to, the administrative portion of the building.

## Nursery schools, day care centers

1.0 space per each employee, plus loading and unloading areas.

## F. Medical Activities.

## Medical, dental offices

1.0 spaces per each 200 sq. ft. of gross floor area

## Convalescent, nursing and health institutions

1.0 parking space per each employee, plus 1.0 space per each four beds.

## Hospitals

1.0 space per each 3 beds, plus 1.0 space for each staff doctor, plus 1.0 space for each employee.

## Veterinary clinics

1.0 space per each 300 sq. ft. of office, labs, and examination rooms.

## Nursing home

1.0 space per each 4 patient beds.

## G. Religious Activities.

## Churches

1.0 space per each 5 fixed seats in the main auditorium

## Mortuaries, funeral homes

1.0 spaces per each 100 sq. ft of floor area of assembly room

<sup>1</sup>Except when located within a shopping center.

<sup>2</sup>For parking requirements for associated office areas, see professional and business offices.

<sup>3</sup>All existing churches enlarging the seating capacity of their main auditorium shall provide 1.0 additional parking space for each 5 additional seats provided by the new construction. Churches making structural alterations or additions which do not increase the seating capacity of the main auditorium are not required to provide additional parking.

<sup>4</sup>Parking and storage for vehicles being repaired is separate. (Ord. 1163 § 1 (part), 2001)

**17.56.050 Size and design standards.**

A. Parking Stalls and Aisles. The minimum parking space and aisle dimensions are shown on the table below (attached). Regardless of the parking angle, one-way aisles shall be at least ten feet wide, and two-way aisles shall be at least twenty

feet wide. Any parking space abutting a landscape area on the driver or passenger side of the vehicle shall provide an additional eighteen inches above the minimum space width requirement to provide a place to step outside the landscaping.

**MINIMUM PARKING SPACE AND AISLE DIMENSIONS**

Parking Angle	Stall Width	Curb Length	Stall Depth	Aisle		Unit	Depth
				1-way	2-way		
0	8.0	20.0	8.0	12.0	20.0		
	8.5	22.5	8.5	12.0	20.0	29.0	37.0
	9.0	22.5	9.0	12.0	20.0	30.0	38.0
	10.0		10.0	12.0	20.0		
30	8.0	16.0	15.0	10.0	20.0		
	8.5	17.0	16.5	10.0	20.0	42.0	53.0
	9.0	18.0	17.0	10.0	20.0	44.0	54.0
	10.0						
45	8.0	11.5	17.0	12.0	20.0		
	8.5	12.0		12.0	20.0	50.0	58.0
	9.0	12.5		12.0	20.0	51.0	59.0
	10.0						
60	8.0	9.6	18.0	18.0	20.0		
	8.5	10.5	20.0	18.0	20.0	58.0	60.0
	9.0	10.5	21.0	18.0	20.0	60.0	62.0
	10.0						
90	8.0	8.0	16.0	23.0	23.0		
	8.5	8.5	20.0	23.0	23.0	63.0	63.0
	9.0	9.0	20.0	23.0	23.0	63.0	63.0
	10.0						

**B. Parking Stall Size and Standards.**

**Compact.** A compact parking stall shall be a minimum of eight feet by seventeen feet, and shall be clearly identified by signing or other marking as approved by the city engineer. Compact spaces shall not exceed twenty-five percent of the total required parking.

**Standard.** Nine feet by nineteen feet.

**Parallel.** Nine feet by twenty-three feet.

**C. Surface.** All parking facilities shall be paved with Portland cement concrete, asphaltic concrete or other hard durable surface approved by the planning director.

**D. Location.** Off-street parking areas shall be located not more than five hundred feet from the building they are required to serve for all uses except as specified below. Where the off-street parking areas do not abut the buildings they serve, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single-family detached dwellings, the parking spaces shall be located on the same lot they are required to serve;

2. For all other residential dwellings at least a portion of parking areas shall be located within one hundred feet from the buildings they are required to serve; and

3. For all non-residential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of the parking areas shall be located within one hundred feet from the nearest building they are required to serve;

4. Parking should be located to the rear or sides of buildings, when feasible;

5. Except for single-family dwellings and duplexes, no parking or maneuvering area is permitted in any required yard or landscaped buffer except for the minimum amount necessary to access the development.

**E. Driveways/access.** All parking facilities shall be provided with safe and convenient access to a street. Ingress and egress to public streets shall be provided only through driveways of such di-

mension, location and construction as approved by the public works director, or their designee. Driveways for single-family detached dwellings may not exceed twenty feet in width. Driveways for other than single-family detached and duplex structures shall be at least fifteen feet in width for one-way traffic, and twenty-two feet in width for two-way traffic. No driveway shall exceed thirty-five feet in width, nor be located closer than twenty feet to a side property line. Driveways onto collector and arterial streets shall be combined where possible.

**F. Suitable wheel or bumper stops** are required to prevent vehicles from overhanging walkways, and to prevent damage to landscaping. Concrete curbs shall be provided at the edge of all parking and maneuvering areas, except for single family and duplex dwellings.

**G. Parking facilities** shall be designed so that exiting vehicles are not required to back into streets, except for residential uses of less than four units on local access streets.

**H. Marked walkways**, at least five feet in width, and separated from traffic lanes, parking spaces and vehicle overhangs, shall be provided from parking areas to the entrances of the associated use.

**I. Landscaping/screening.** Landscaping and screening requirements for off-street parking are contained in Chapter 17.64 "Landscaping."

**J. Off-street parking and access** for physically handicapped persons shall be provided in accordance with Section 7503 of the regulations adopted pursuant to RCW 19.27, State Building Code, and RCW 70.92, Public Buildings—Provisions for Aged and Disabled.

**K. Snow Storage.** Adequate space for the storage of snow removed from the parking lot shall be provided. Parking spaces over the required minimum may be used for snow storage. Snow storage areas may not include required landscaping unless designed in such a manner as to prevent landscaping damage.

L. **Bicycle Parking.** The city, through the design review process, may require bicycle parking facilities (i.e., a bike rack or locker-type facilities) for uses such as:

- Parks, playfields;
- Community facilities;
- Elementary and secondary schools;
- Sports club; or

Retail business located along a developed bicycle trail or designated bicycle route.

All bicycle parking and storage shall be located in safe, visible areas in close proximity to building entrances and shall not impede pedestrian or vehicle traffic flow. Bicycle parking areas shall be well lit for nighttime use.

M. **Pedestrian Circulation.** Safe and convenient pedestrian paths shall be provided from parking areas to building entries and between buildings within a site and adjacent sites to provide for pedestrian safety and to encourage walking between businesses. (Ord. 1163 § 1 (part), 2001)

#### **17.56.060 Stacking space.**

A. A stacking space shall be an area measuring eight feet by twenty feet with direct forward access to a service window of a drive-through facility. A stacking space shall be located to prevent any vehicles from extending onto public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space

areas. When located in a parking lot, drive-through facilities shall provide sufficient stacking spaces so as to not in any way obstruct the normal circulation pattern of the parking lot. Stacking spaces for drive-through uses may not be counted as required parking spaces.

B. Uses providing drive-through services shall provide vehicle stacking spaces as follows:

1. For each drive-through lane of a bank/financial institution, business service or other similar use, a minimum of five stacking spaces shall be provided; and

2. For each drive-through lane of a restaurant, a minimum of seven stacking spaces shall be provided. (Ord. 1163 § 1 (part), 2001)

#### **17.56.070 Loading space.**

Permanent off-street loading space shall be provided for developments if the activity carried on is such that the building requires deliveries to it or shipments from it of people or merchandise. No portion of a vehicle taking part in loading, unloading or maneuvering activities shall project into a public street, sidewalk or interior pedestrian area. Loading space or maneuvering areas shall be in addition to required off-street parking areas.

##### **A. Required Number of Spaces.**

1. Non-residential buildings engaged in retail, wholesale, manufacturing or storage activities, excluding self-storage facilities, shall provide loading spaces in accordance with the following standards:

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
1 to 9,999 square feet	0
10,000 to 16,000 square feet	1
16,001 to 40,000 square feet	2
40,001 to 64,000 square feet	3
64,001 to 106,000 square feet	4
For each additional 36,000 square feet	1 additional

2. Buildings engaged in hotel, office building, restaurant, hospital, auditorium, convention hall, sports arena/stadium, or other similar use shall provide loading spaces in accordance with the following standards:



GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
1 to 39,999 square feet	0
40,000 to 60,000 square feet	1
60,001 to 160,000 square feet	2
160,001 to 264,000 square feet	3
For each additional 140,000 square feet	1 additional

B. Size. Each required loading space shall be a minimum of ten feet in width, thirty feet in length, and have an unobstructed vertical clearance of fourteen feet, six inches.

C. Relationship of Loading Space to Residential Areas. Loading berths shall be located not closer than fifty feet to any residential district, unless wholly enclosed within a building, or unless screened from such residential area by a wall or uniformly painted fence not less than six feet in height.

D. Relationship to Open Space. No portion of a loading area may protrude into a required yard, setback or landscape area. A covered loading berth shall comply with the minimum setback requirements for the district.

E. Screening. When abutting a public or private street (excluding alleys), loading spaces shall be screened and fenced.

F. Self-service Storage Facilities. Multi-story self-service storage facilities shall provide two loading spaces, and single story facilities one loading space, adjacent to each building entrance that provides common access to interior storage units. Each loading berth shall measure not less than twenty-five feet by twelve feet with an unobstructed vertical clearance of fourteen-feet six-inches, and shall be surfaced, improved and maintained as required by this chapter. Any floor area additions or structural alterations to a building shall be required to provide loading space or spaces as set forth in this chapter. (Ord. 1163 § 1 (part), 2001)

as to avoid undue glare or reflection or light onto adjoining properties or public rights-of-way in excess of measurement of one foot candle of illumination. Light standards shall not be located so as to interfere with parking stalls, maneuvering areas, or ingress and egress areas. Lighting shall be directed downward and shielded to reduce unnecessary light and glare. (Ord. 1163 § 1 (part), 2001)

#### **17.56.080 Lighting.**

Any lighting of a parking lot or storage area shall illuminate only the parking lot or storage area. All lighting shall be designed and located so

## Chapter 17.64

### LANDSCAPING REQUIREMENTS

#### Sections:

- 17.64.010 Purpose.**
- 17.64.020 Applicability.**
- 17.64.030 Landscape plan approval.**
- 17.64.040 Significant trees.**
- 17.64.050 Surface parking area.**
- 17.64.060 Adjacent to freeway right-of-way.**
- 17.64.070 General standards for all landscape areas.**
- 17.64.080 Irrigation.**
- 17.64.090 Timing of installation.**
- 17.64.100 Tree replacement.**
- 17.64.110 Maintenance.**
- 17.64.120 Failure to maintain landscaping.**

#### **17.64.010 Purpose.**

The purpose of these regulations is to preserve and enhance the aesthetic character of the city, to improve the aesthetic quality of the built environment, to maintain existing significant vegetation, to reduce impacts of development on drainage systems and natural habitats, to promote the efficient use of water, and to support the "Mountains-to-Sound Greenway." (Ord. 1163 § 1 (part), 2001)

#### **17.64.020 Applicability.**

All new development except for single-family residences shall be subject to the landscaping provisions required by the underlying zoning district (see specific zoning district regulations) as well as the provisions of this section. (Ord. 1163 § 1 (part), 2001)

#### **17.64.030 Landscape plan approval.**

Development applications shall include a landscape plan consistent with the requirements of this section. The landscape plan should be prepared or approved by a licensed landscape archi-

tect, certified nurseryman, or certified landscaper, and drawn on the same base map as the development plans. The landscape plan shall include:

- A. Total landscape area, including location of any street trees;
- B. Identification of landscape materials (botanical/common name) and applicable size;
- C. Property lines;
- D. Impervious surfaces, including parking stalls, access aisles, and other vehicle use areas;
- E. Natural or man-made water features or bodies;
- F. Existing or proposed structures, fences and retaining walls;
- G. Natural features or vegetation left in a natural state;
- H. Location and plan for all existing significant trees;
- I. Any designated recreational and/or open space areas.

No building permit or clearing and grading permit shall be issued where landscaping is required until a landscaping plan has been submitted to, and approved by, the city. The landscape plan shall include identification and provisions for any existing "significant trees" and any required street trees, as well as other landscaping requirements. (Ord. 1163 § 1 (part), 2001)

#### **17.64.040 Preservation of significant trees.**

Significant trees in areas in wetlands, fish and wildlife conservation areas, frequently flooded areas, geologically hazardous areas as defined in CEMC Chapter 18.01, and in the required landscaped buffer adjacent to I-90, shall be preserved. "Significant trees" are defined as existing healthy trees which, when measured four feet above grade, have a minimum diameter of eight inches for evergreen trees, or twelve inches for deciduous trees. Significant trees shall be identified by a tree survey prepared by the applicant and shall be preserved to the maximum extent possible. During construction, the applicant shall use accepted preservation techniques to protect significant trees designated for retention. (Ord. 1163 § 1 (part), 2001)

**17.64.050 Surface parking areas.**

Surface parking areas shall provide perimeter and interior landscaping as shown below. The perimeter landscaping may be used to meet landscape area requirements of the underlying zoning district.

A. Perimeter Landscaping. The perimeter of all parking areas shall be landscaped. Parking areas that abut a residential zone shall be landscaped with a five foot B2 buffer. Parking lots perimeters not adjacent to residential zone shall be landscaped with a five foot B1 buffer. Parking lots adjacent to a public right-of-way shall be landscaped with a five foot B2 buffer.

B. Landscaping shall be provided within all surface parking areas encompassing six or more stalls. Such parking areas shall have a minimum of ten percent of the parking area, maneuvering area and loading space landscaped, provided that no landscaping area shall be less than fifty square feet in area, and no parking shall be located more than one hundred feet from a landscaped area. Perimeter landscaping, required adjacent to property lines and/or residential areas, shall not be calculated as part of the ten percent figure.

C. Landscaped islands shall be provided and distributed throughout the parking area at a ratio of one tree for every six parking stalls. Landscaped islands shall be a minimum of twenty-five square feet in size and contain a minimum of one tree of suitable species and ground cover plantings.

D. Permanent curbs or structural barriers shall be provided to protect the plantings from vehicle overhang and damage. (Ord. 1163 § 1 (part), 2001)

**17.64.060 Adjacent to freeway right-of-way.**

All development adjacent to Interstate 90 shall provide a vegetative and/or topographical buffer adjacent to the freeway right-of-way. Buffers shall be of an adequate width and shall contain adequate vegetation to screen uses from being viewed from the freeway. Buffers for attractive open space areas such as parks, golf courses and open space may contain landscaping that permits filtered views

of the open space activity. If existing native vegetation within this buffer is insufficient to provide a visual screen, the city may require supplemental plantings and/or an increase in the width of the buffer. (Ord. 1163 § 1 (part), 2001)

**17.64.070 General standards for all landscape areas.**

A. All new development shall comply with the screening and buffering required by the buffering matrix in Table 17.64-1 and the following standards:

1. B.1—Low Screen Buffer. This buffer is intended for areas where a limited buffer screen is required to separate uses that are potentially incompatible. This buffer is composed of live ground cover through out the buffer and trees planted every thirty feet along the length of the buffer.

2. B.2—Medium Screen Buffer. This buffer is intended for areas where a moderate buffer is needed to separate incompatible uses. This buffer is composed of live ground cover through out the buffer, evergreen shrubs which reach a minimum of two to four feet in height and trees planted every thirty feet along the length of the buffer.

3. B.3—High Screen Buffer. This buffer is used where a high degree of visual screening is required between incompatible uses. This buffer consists of a fully site obscuring fence with landscaping between the fence and the property line composed of live ground cover through out the buffer, evergreen shrubs which reach a minimum of six feet in height and trees planted every thirty feet along the length of the buffer.

Table 17.64-1

District of Development	Minimum buffer requirements for side and rear yards abutting contrasting district				
	R	RM	Commercial	I	BP
RM	5/B2	5/B2	10/B1	10/B2	10/B2
Commercial (all)	10/B3	5/B3	5/B1	5/B1	5/B1
I	20/B3	20/B3	5/B1	5/B1	10/B2
BP	20/B3	20/B3	5/B1	10/B2	5/B1

B. All new landscape areas shall be subject to the following provisions:

1. Plant selection shall consider adaptability to climate, geologic, and topographical characteristics of the site. Bark, mulch, gravel or other non-vegetative material shall only be used in conjunction with landscaping to assist vegetative growth and maintenance or to visually complement plant material. Non-vegetative material is not a substitute for plant material.

2. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).

3. Landscape areas shall be provided with adequate drainage.

4. Retention of existing substantial vegetation is encouraged.

5. Use of native vegetation is encouraged.

6. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standards for Nursery Stock" manual, provided that existing healthy vegetation used to augment new plantings shall not be required to meet the standards of this manual.

7. Single-stemmed trees required pursuant to these regulations shall, at the time of planting, conform to the following standards:

a. Deciduous trees shall have a minimum caliper of two inches and a height of twelve feet.

b. Conifers and evergreens shall be at least six feet in height.

8. Multi-stemmed trees shall be permitted as an option to single-stemmed trees provided that such multiple-stemmed trees are at least eight feet in height and not allowed within street rights-of-way.

9. Medium and tall shrubs required pursuant to these regulations shall be at least twenty-four to thirty inches in height at time of planting.

10. Groundcover required pursuant to these regulations shall be at least four inches in height at time of planting and spaced to result in the required coverage within three years.

11. Landscape water features shall not use potable water unless the water feature recirculates water used in its operation.

12. Landscaping shall not conflict with the safety of those using adjacent sidewalks or with traffic safety.

13. Required landscape areas which, at the determination of the city, are inappropriate to landscape due to the existence of some natural or man-made feature, shall be relocated: first, to another lot line, or second, to an equal-sized area elsewhere on the property as directed by the city.

14. Plants listed on the Noxious Weed List of the Kittitas County Weed Board or the State of Washington Noxious Weed List are prohibited in landscaped areas. (Ord. 1163 § 1 (part), 2001)

#### **17.64.080 Irrigation.**

All plants shall receive sufficient water to assure their survival. Landscaping that can be supported by natural precipitation patterns to encourage the conservation of water. Automatic irrigation systems are required for all landscaped areas required by this title unless a landscape architect, certified nurseryman, or certified landscaper certifies that the proposed landscaping consists of native or other suitable vegetation which is capable of surviving without supplemental irrigation. Irrigation systems shall make provisions for win-

terization. Irrigation water, whether manually applied or applied through an irrigation system, shall be applied with the goals of avoiding runoff and overspray. An irrigation plan and schedule shall be included as part of the required landscape plan. (Ord. 1163 § 1 (part), 2001)

**17.64.090 Timing of installation.**

All required landscaping shall be installed prior to building occupancy, provided that the city may authorize up to a one hundred eighty-day delay when planting season conflicts could produce a high probability of plant loss. A bond or assignment of funds in the amount of one hundred twenty-five percent of the work and materials required to install the approved landscaping shall be required. (Ord. 1163 § 1 (part), 2001)

**17.64.100 Tree replacement.**

If any existing tree(s) designated for retention as part of the required landscaping is damaged or destroyed replacement trees shall be planted as follows:

Deciduous trees - Minimum caliper of three inches;

Evergreen trees - Minimum height of twelve feet.

(Ord. 1163 § 1 (part), 2001)

**17.64.110 Maintenance.**

Whenever landscaping is or has been required in accordance with the provisions of this chapter, the landscaping shall be permanently maintained in a healthy growing condition, free of trash and debris, so to accomplish the purpose for which it was initially required. Dead or dying plantings shall be removed and replaced or repaired unless specifically required to provide wildlife habitat. Irrigation systems shall be maintained and periodically inspected to assure proper functioning. (Ord. 1163 § 1 (part), 2001)

**17.64.120 Failure to maintain landscaping.**

The city planner or designated representative is hereby authorized and empowered to notify the

owner of any property required to be landscaped, or the agent, tenant, lessee or assignee of any such owner, that the landscaping is not being adequately maintained and the specific nature of such failure to maintain. The notice shall specify the date by which the maintenance must be accomplished, and shall be sent by certified mail, addressed to the owner at the last known address.

Upon the failure, neglect or refusal of any owner or agent so notified to perform the required maintenance within the time specified in the written notice, or within fifteen days after the date of such notice if the notice is returned to the city by the by the Post Office because of the inability to make delivery thereof provided the notice was properly addressed to the last known address of the owner or agent, the city planner or representative may take additional enforcement action as authorized by this title. (Ord. 1163 § 1 (part), 2001)

## Chapter 17.76

### SITE AND DESIGN REVIEW

#### Sections:

#### 17.76.010 Purpose.

#### 17.76.020 Applicability.

#### 17.76.030 Timing.

#### 17.76.040 Design review process.

#### 17.76.010 Purpose.

The purpose of these regulations is to promote the public health, safety and general welfare by reviewing development applications to insure compliance with adopted development standards, and-to establish a uniform process for such review. (Ord. 1163 § 1 (part), 2001)

#### 17.76.020 Applicability.

The site and design review process shall be applicable to all permanent new development and redevelopment subject to the following exemptions:

1. Construction of a single-family residence or duplex and accessory structures.
2. Interior remodels.
3. Painting and other maintenance work including re-roofing or re-siding where materials are consistent with the existing materials.
4. Sign permits.
5. Other development determined by the planning director to not require review. (Ord. 1163 § 1 (part), 2001)

#### 17.76.030 Timing.

For any development activity that requires design review, the applicant must comply with provisions of this chapter prior to approval of a building permit or undertaking any development activity; provided that an applicant may submit a building permit application at any time during the design review process. (Ord. 1163 § 1 (part), 2001)

#### 17.76.040 Design review process.

1. Pre-application Conference. A pre-application conference may be required pursuant to BGMC 17.100.050.

2. Application. Following the pre-design meeting, the applicant shall submit a design review application on a form provided by the planning department, together with the required application fee. The application shall include the following materials -unless waived by the planning director, as well as all application materials required as a result of the pre-design meeting:

a. Written narrative description of-uses, types of structures proposed, hours of operation, abutting properties, proposed access, frequency of deliveries, and construction schedule, including any proposed phasing of development.

b. Five copies of an existing conditions plan drawn to a minimum scale of one inch equals two hundred feet on a sheet no larger than twenty-four inches by thirty-six inches and including one reduced size copy no larger than legal size. The existing conditions plan shall contain the following features; the subject property boundaries, dimensions and size, current structural or landscape setbacks, location of existing on-site driveways and access points within one hundred feet of the subject site, location and dimension of any on-site structures, location of utilities, location of the nearest fire hydrant, location of existing structures within one hundred feet of the site, locations and dimensions of adjacent public or private roads and right-of-way or easements, approximate location of significant natural features including slopes over twenty-five percent, waterbodies, rock outcrops, wetland areas, areas of significant vegetation, the location of trees or groups of trees over six inches in diameter, and the location of any critical areas.

c. Five copies of a site plan drawn to a minimum scale of one inch equals two hundred feet on a sheet no larger than twenty-four inches by thirty-six inches and including one reduced size copy no larger than legal size. The site plan shall contain the following information: the subject property

boundaries, dimensions and size, location, dimensions and height of all proposed structures, location of building accesses, proposed setbacks, proposed phasing, proposed landscaping, location and dimensions of vehicle and pedestrian access points and circulation routes, the location of all proposed on-site parking including provisions for handicap parking, any easements, the location of any proposed lights, and any other proposed site improvements.

d. Five copies of proposed architectural elevations.

e. Preliminary grading, erosion control and stormwater plan.

f. Preliminary utility plan.

g. Any other items that are necessary to review the proposed development.

3. **Decision.** The planning director or review authority shall review the design review application for compliance with the design and zoning regulations of this code, using the design guidelines within the zoning districts and comprehensive plan to interpret how the regulations apply to the subject property. After reviewing the application and application materials, the planning director may grant, deny, or conditionally approve the application subject to modifications and the requirements of CEMC 17.100. No development permit for the subject property requiring design review approval will be issued until the proposed development is granted design review approval or conditional approval. The terms of the design review approval or conditional approval will become a condition of approval on each subsequent development permit and no subsequent development permit will be issued unless it is consistent with the design review approval or conditional approval. The planning director shall send written notice of the design review decision to the applicant. If the design review application is denied, the decision shall specify the reasons for denial.

4. **Appeals.** Appeals of the decisions are permitted subject to CEMC 17.100.120 (Appeals section).

5. **Duration of Approval.** The applicant must begin construction or submit a complete building permit application consistent with the design review approval to the city within the time period specified in CEMC 17.100.130, or that decision becomes void.

6. **Criteria for Design Review Approval.**

A. In conducting the design review process, it shall be the responsibility of the planning director or designee to review designs for compliance with all the provisions of the zoning code and any other applicable regulations that affect the design of a development.

B. In reviewing design plans the planning director shall consider the following standards have been met. This section does not list all the standards against which the application will be reviewed, the following are listed to indicate the various requirements of development. Failure to comply with the listed requirements or other requirements not listed here shall be ground for denial of design review approval.

1. The proposed use is permitted within the zoning district in which it is located.

2. The proposed design meets the dimensional requirements of the zoning district including lot, yard, building, height and other requirements.

3. The proposed design meets landscaping, screening and buffering standards of CEMC 17.64.

4. The proposed design meets the off-street parking and loading requirements of CEMC 17.56.

5. The standards of Chapter 18.01, maintenance, enhancement and preservation of critical areas are met.

6. The proposed design and use meets all other applicable sections of Cle Elum Municipal Code.

7. Public improvements are completed in compliance with applicable code sections.

8. Adequate and safe provisions are made for pedestrian and vehicle access.

9. All conditions of applicable previous approvals (SEPA review, CUP, rezones) are met.

10. All applicable conditions and criteria found in other Cle Elum Municipal Code titles are met. (Ord. 1163 § 1 (part), 2001)

**17.76.050      Supplementary development standards.**

In addition to the requirements identified elsewhere in this title, developments subject to design and site plan review shall contain the following standards unless otherwise specified in the zoning district.

A. A continuous pedestrian walkway shall be provided from the public street to access building entrances. The pedestrian walkway shall be a minimum of six feet wide and shall be elevated, protected by a curb, bollards, or landscaping otherwise protected to prevent vehicles from parking, driving or entering the walkway. The required six feet may not be encroached by vehicle overhangs. The walkway shall be composed of Portland cement concrete, brick pavers or other similar surface. Where a walkway must cross a vehicle access aisle it shall be distinguished from the driving areas by use of an alternative paving material which may be brick, pavers, or scored, brushed or colored concrete.

B. Ground level mechanical equipment shall be screened with visual barriers from adjacent property, public roadways, parks or other public areas. Mechanical equipment on roofs shall be screened from ground level.

C. A storage area for garbage and recycling containers shall be provided. The area shall be fully screened by a fence, wall, landscaping or combination thereof. Storage areas may not be located in a public right-of-way and where an alley serves the site, shall only be accessed from the alley.

D. Predominant building materials shall be those materials that are characteristic of the historic buildings in the city or characteristic of central Washington, such a brick, wood, native stone, and tinted and textured masonry. Visible roofs should be metal. Architectural methods, such as parapets, shall be used to conceal flat roofs. Mansard roofs are prohibited.

E. Outdoor storage and display of materials shall be screened from streets, rights-of-way and adjacent properties may a fully site obscuring buffer consisting of appropriate fencing and landscaping.

F. For all uses creating over two thousand square feet of new impervious surfaces a stormwater control plan is required that treats and retains all stormwater on-site. This section shall not apply to development within the Old Town commercial zoning district. Development in the Old Town commercial may either treat and retain all stormwater on-site or make connection to an available city owned -system in a fashion acceptable to the public works director and making any necessary improvements. Impervious surfaces shall include cement, concrete, packed earth and gravel or other similar surface which changes the runoff patterns from native soils.

G. Roofs shall be designed such that snow from the roof will not be deposited on adjacent public or private properties. (Ord. 1163 § 1 (part), 2001)



## Chapter 17.80

### CONDITIONAL USE PERMITS

#### Sections:

- 17.80.010 Purpose.**
- 17.80.020 Applicability.**
- 17.80.030 Procedure.**
- 17.80.040 Submittal requirements.**
- 17.80.050 Criteria for granting conditional use permits.**
- 17.80.060 Special conditions.**
- 17.80.070 Revocation of a conditional use permit.**
- 17.80.080 Change, enlargement or alterations.**
- 17.80.090 Permit approvals—Validity.**

#### **17.80.010 Purpose.**

The purpose of this chapter is to provide procedures and criteria for conditional uses which, because of their unusual size, special requirements, potential safety hazards, and/or other potential detrimental effects on surrounding properties, are allowed in a specific zone at a specific location only after review by the city to determine if the use is compatible with other uses in the same vicinity and zone. The granting of a conditional use permit may include the imposition of specific development and performance standards beyond that required in the underlying zoning to assure compatibility. The conditional use process is not intended to allow for uses that are not specifically listed in the zoning ordinance to be permitted. (Ord. 1163 § 1 (part), 2001)

#### **17.80.020 Applicability.**

The provisions of this chapter shall apply to all uses that are listed as conditional in this title. (Ord. 1163 § 1 (part), 2001)

#### **17.80.030 Procedure.**

Conditional use permits shall be considered a Type III process pursuant to CEMC 17.100. (Ord. 1163 § 1 (part), 2001)

#### **17.80.040 Submittal requirements.**

All applications for conditional use permits shall contain the following information:

1. A completed application form signed by the owner(s) of the property subject to the application. If the applicant is not the property owner, a signed instrument authorizing the application is required.

2. A legal description of the subject property supplied by the Kittitas County, a title company or surveyor licensed in the state of Washington, and a current county assessors map(s) showing the property (ies) subject to the application.

3. A current assessors map quarter section map identifying the properties within three hundred feet of the subject site and the names and mailing addresses of all property owners of record.

4. The application fees specified by CEMC 16.48.

5. A site plan prepared according to CEMC I 7. 76 (site plan review section) that includes the proposal and its relationship to uses within three hundred feet of the subject property.

6. A written statement including:
  - a. A detailed description of the proposed use.
  - b. A description of how the proposal meets the approval criteria in 17.80.050.
  - c. An analysis of how the proposal is consistent with the City of Cle Elum comprehensive plan.
  - d. A detailed description of any mitigation measures proposed by the applicant to meet the approval criteria.

7. Other information that the city planner deems reasonably necessary to review to the application. (Ord. 1163 § 1 (part), 2001)

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#### **17.80.050 Criteria for granting conditional use permits.**

A conditional use permit shall be granted only after the city has reviewed the proposed use and determined that it complies with the standards

and criteria set forth in this subsection. A conditional use permit shall be granted only if the applicant demonstrates that:

1. The proposed use will be designed and operated in a manner which is compatible with the character, appearance, and operation of existing or proposed development in the vicinity of the subject property; and
2. The hours and manner of operation of the proposed use are not inconsistent with adjacent or nearby uses; and
3. The proposed use is compatible with the physical characteristics of the subject property and neighboring properties; and
4. The location, nature and intensity of outdoor lighting is such that it is consistent with the surrounding neighborhood and does not cast light or glare on adjoining properties; and
5. The proposed use is such i/wit pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
6. The proposed use is capable of being served by public facilities and services, and will not adversely the level of service to surrounding areas; and
7. The proposed use is not detrimental to the public health, safety, or welfare; and
8. The proposed use is consistent with the goals and policies of the comprehensive plan; and
9. The subject site can accommodate the proposed use considering the size, shape, topography and drainage. (Ord. 1163 § 1 (part), 2001)

#### **17.80.060 Special conditions.**

Special conditions may be imposed on the proposed conditional use to ensure that the proposed use will meet the above standards and criteria. Guarantees and evidence regarding compliance with such conditions may be required. (Ord. 1163 § 1 (part), 2001)

#### **17.80.070 Revocation of a conditional use permit.**

The city may revoke a conditional use permit if, after a public hearing before the planning com-

mission, the planning commission finds that the conditional use is not being operated as specified, or that the use is violating conditions set forth in the conditional use permit. Revocation is not the only remedy to addressing non-compliance with conditional use permit requirements. Enforcement proceedings may occur under the provisions of this title. (Ord. 1163 § 1 (part), 2001)

#### **17.80.080 Change, enlargement or alterations.**

Any change, enlargement, or alteration to an approved conditional use shall require the submittal and review of a new conditional use application. A one-time enlargement of a conditional use not to exceed a ten percent increase in size, number of visitors or increase in traffic may be permitted through the design review process. The transfer or change in owner or operator of the CUP shall require the submittal of a Type I application. (Ord. 1163 § 1 (part), 2001)

#### **17.80.090 Permit approvals—Validity.**

Permit approvals shall generally be valid for the time specified in CEMC 17.100. Certain uses may be approved for specific lengths of time where the use requires review to determine its appropriateness or conditions of approval. (Ord. 1163 § 1 (part), 2001)

## Chapter 17.85

### VARIANCES

#### Sections:

#### 17.85.010 Purpose.

#### 17.85.020 Applicability.

#### 17.85.030 Procedures.

#### 17.85.040 Criteria.

#### 17.85.010 Purpose.

This chapter provides for the relief of hardships that may be caused by the strict application of the requirements of this title to properties that have unusual characteristics, through the granting of variances to specific aspects of this title. (Ord. 1163 § 1 (part), 2001)

#### 17.85.020 Applicability.

Variances may be granted to all numerical standards of this title with the exception of lot size and density. (Ord. 1163 § 1 (part), 2001)

#### 17.85.030 Procedures.

Variances shall be considered as Type I, II or III applications based on the extent of the variance

A. Variances of less than two percent of any required standard shall be considered diminimus and will not require a separate application for a variance and will be reviewed along with the underlying application.

B. Variances of between two and ten percent of any required standard shall be processed as a Type II application.

C. Variances of greater than ten percent of any required standard shall be processed as a Type III application. (Ord. 1163 § 1 (part), 2001)

#### 17.85.040 Criteria.

The review authority may grant a variance only in those cases where findings are made that all of the following conditions and criteria are met:

A. There are unusual, exceptional or extraordinary circumstances or conditions applying to

the property that do not apply generally to other property in the same vicinity or district. Such conditions may include topography, unique natural conditions, surroundings and size or unusual shape of the lot.

B. The unusual circumstances or conditions and the strict application of this title cause the loss of a substantial property right possessed by the owners of other properties in the same vicinity or district.

C. The granting of a variance to remedy the hardship will not be detrimental to the public welfare or injurious to properties in the vicinity or district in which the property is located and the variance will be in general keeping with the purpose and intent of this title.

D. The variance approved will be for the least amount that will make possible the legal use of the land, building or structure and will not provide a special privilege inconsistent with the limitations upon use of other properties in the vicinity or use district.

E. The variance will not adversely affect the realization of the comprehensive plan.

F. The need for the variance was not caused by the actions of the applicant or property owner. (Ord. 1163 § 1 (part), 2001)

## **Chapter 17.90**

### **SIDEWALK DISPLAYS AND ADVERTISING IN COMMERCIAL AND INDUSTRIAL ZONES**

#### **Sections:**

#### **17.90.010 Sidewalk displays and advertising.**

#### **17.90.020 Permits and requirements.**

#### **17.90.010 Sidewalk displays and advertising.**

Merchants and business people may, temporarily, subject to the provisions of this title, display wares and merchandise and place advertising signs and -advertising objects on sidewalks and parking strip areas abutting their own business premises within commercial, business park or industrial areas zoned as such in the city. Such acts shall not be considered nuisances under Chapters 8.12 and 12.08 and any other existing city ordinances if a permit is obtained and all other requirements of this title are met. (Ord. 1163 § 1 (part), 2001)

#### **17.90.020 Permits and requirements.**

Such displays and advertising on sidewalks or parking strips shall be unlawful, and a nuisance, unless:

A. A permit therefor is obtained from the city under such terms for the public safety and convenience as the city council shall prescribe;

B. There is left a free, unobstructed and adequate area for passage of the public that is a minimum of six feet-wide;

C. The abutter makes adequate provision for safe-guarding the public against injury to person and damage to property;

D. The abutter agrees in writing to indemnify and save the city harmless from all claims, suits and liabilities arising in any way out of such use of the sidewalks and/or parking strips;

E. No permit shall be approved for more than seven days in any one year period. The abutter keeps in full force and effect and leaves on deposit with the city clerk at all times while the city permit

is in effect a liability insurance policy as described. The policy shall be in a reputable insurance company acceptable to the city. It shall provide not less than twenty-five thousand dollars per person and fifty thousand dollars per occurrence personal injury coverage, and not less than one thousand dollars per occurrence property damage coverage, and shall specifically under its terms afford such liability protection to the city as well as the abutter. (Ord. 1163 § 1 (part), 2001)

## Chapter 17.100

### PROJECT PERMIT PROCEDURES

#### Sections:

- 17.100.010 Purpose.**
- 17.100.020 Applicability.**
- 17.100.030 Definitions.**
- 17.100.040 Application types and classification.**
- 17.100.050 Pre-application review.**
- 17.100.060 Determination of completeness.**
- 17.100.070 Type I review and decision procedure.**
- 17.100.080 Type II review and decision procedure.**
- 17.100.090 Type III review and decision procedure.**
- 17.100.100 Type IV review and decision procedure.**
- 17.100.110 Public notice for Type II, III and IV applications.**
- 17.100.120 Decision timelines.**
- 17.100.130 Appeals.**
- 17.100.140 Development approval timeline.**

#### **17.100.010 Purpose.**

This chapter establishes procedures for the processing of project permit applications in the City of Cle Elum consistent with Chapter 36.70B of the Revised Code of Washington. (Ord. 1139 § 1 (part), 2001)

#### **17.100.020 Applicability.**

All project permit applications shall be subject to the provisions of this chapter unless specifically exempted herein, including but not limited to building permits, land divisions, binding site plans, site plans, master planned developments, conditional uses, shoreline substantial development permits, critical area permits, and site specific rezones. Certain project permit applications may be exempt from specific procedures identified in this chapter.

This chapter generally applies to permit activities under the following chapters of the City of Cle Elum Municipal Code:

Title 12—Streets, sidewalks, and public places.

Title 15—Buildings and construction.

Title 16—Subdivisions.

Title 17—Zoning.

Title 18—Critical areas development. (Ord. 1139 § 1 (part), 2001)

#### **17.100.030 Definitions.**

Unless explicitly stated otherwise, the following terms or phrases, as used in this chapter, shall have the meanings designated by this section.

A. "Closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

B. "Closed record hearing" means a public hearing on the record by a local government body or officer, including the legislative body, following an open record hearing on a project permit application, when the project permit decision is on the record with no or limited new evidence or information allowed to be submitted to support the decision.

C. "Days" shall refer to calendar days.

D. "Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the city to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the city in this chapter. An open record hearing may be held prior to a decision on a project permit application to be known as an open record predecision hearing. An open record hearing may be held on an appeal, to be known as an open record appeal hearing, if no open record predecision hearing has been held on the project permit.

E. "Party of record" shall mean any person, agency or organization who have submitted written comments on an application, made oral comments on an application during a public hearing or who has requested in writing to be a party of record. In all cases the property owner and applicant shall be considered parties of record. In those cases where there is no public notice of the application any interested party is considered a party of record.

F. "Project permit" shall mean any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendments of a comprehensive plan, subarea plans, or development regulations. (Ord. 1139 § 1 (part), 2001)

#### **17.100.040 Application types and classification.**

A. Project permit applications shall be subject to a Type I, Type II, Type III or Type IV process as set forth by this chapter.

B. Where the city must approve more than one (1) permit application for a project, all applications may be considered at one time. Where different permit applications required for a development are subject to different procedure types, all applications will be subject to the procedure type that requires the greatest level of public notice and involvement.

C. The city planner shall classify all applications as a specific type. The act of classifying an application shall be a Type I process which shall be appealable at the same time and in the same manner as for the project permit application being considered. The following guidelines shall be used when establishing the procedure type for a permit:

1. Type I—This administrative process is used for applications where there are clear and objec-

tive standards involving little or no discretion in technical issues and that are exempt from SEPA review. The decision making authority for Type I permits shall be the city planner or designee. For decisions under Title 12, the decision making authority is the public works director or designee. Examples include building permits, boundary line adjustments, floodplain permits, and critical areas review (when not associated with a development permit).

2. Type II—This administrative process is used for applications where a limited amount of professional discretion is used for objective and subjective standards involving non-technical issues. The applications may be of general public interest although no public hearing is held. If a Type I application is subject to SEPA it shall be considered a Type II application for processing. The decision-making authority for Type II permits is the city planner or designee. For decisions under Title 12, the decision making authority is the public works director or designee. Examples include short plat and site plan reviews.

3. Type III—This hearing quasi-judicial process is used for applications that require a substantial amount of discretion on non-technical issues and where there is likely to be broad public interest. A public hearing is required. The decision making authority for Type III applications shall be the planning commission. Examples include conditional use permits, appeals of Type I and Type II decisions and certain variances.

4. Type IV—This quasi-judicial process is used for applications that require a substantial amount of discretion on non-technical issues and where there is likely to be broad public interest. This process requires at least one open record public hearing before the planning commission and one closed record public hearing before the city council. The final decision making authority for Type IV actions shall be the city council with the planning commission acting as a recommending body in an advisory capacity. Examples include subdivisions, site specific rezones and master planned development approvals.

**Table 17.100-1, Application Procedure**

<b>Application Type</b>	<b>Type I</b>	<b>Type II</b>	<b>Type III</b>	<b>Type IV</b>
Notice of Application	<i>No</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>
Open Record Public Hearing	<i>No</i>	<i>Only if appointed</i>	<i>Yes, before decision body</i>	<i>Yes, before recommending body</i>
Recommending Body	<i>N/A</i>	<i>N/A</i>	<i>Staff</i>	<i>Planning commission</i>
Decision Body	<i>Staff</i>	<i>Staff</i>	<i>Planning commission or hearing examiner</i>	<i>City council</i>
City Appeal	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>	<i>No</i>
Appeal Body	<i>City council</i>	<i>City council</i>	<i>City council</i>	<i>N/A</i>

(Ord. 1139 § 1 (part), 2001)

**17.100.050 Pre-application review.**

A pre-application review is an opportunity for a potential applicant to meet with city staff to provide an understanding of the city's development requirements for a specific application.

A. Applications subject to a Type II, III or IV process are required to conduct a pre-application meeting with staff prior to submitting an application, unless waived in writing by the city planner. Applications subject to a Type I process may choose to conduct a pre-application meeting, but one is not required.

B. To initiate a pre-application an applicant shall submit a completed form provided by the city for the purpose along with all the information identified by the form and the required fee.

C. Upon receipt of a completed form the city planner shall schedule a date and time to conduct a pre-application meeting with the applicant. The city planner may limit the days and times when a pre-application meeting may be scheduled.

D. Within seven days of the pre-application meeting the city planner shall issue a summary of the pre-application review that includes the following information:

1. Summary of the application;
2. Identify the relevant approval criteria, development standards and other relevant laws and policies;

3. Evaluate information supplied by the applicant and identify any changes that may be necessary to comply with the approval criteria and development standards;

4. Applicable application fees;

5. Public facilities and improvements necessary to serve the development;

6. Current utility connection charges; and

7. Physical development limitations. (Ord. 1139 § 1 (part), 2001)

**17.100.060 Determination of completeness.**

A. Within twenty-eight days of receiving an application the city shall provide a determination of whether the application is complete for processing. If a determination is not made within the required twenty-eight days, the application shall be automatically deemed complete. If a determination is made that the application is incomplete the city shall clearly identify the necessary materials and set a reasonable time period in which the applicant has to submit the additional items. Following the submittal of additional items, the city shall notify the applicant within fourteen days whether the application is complete. If the submitted materials do not address the incompleteness the city may either request the additional information in the same manner as the first attempt or deny the application pursuant to subsection D.

B. An application is complete if it contains the items identified in the specific section related to the action and at a minimum the following materials:

1. A completed application form signed by the owner(s) of the property subject to the application. If the applicant is not the property owner, a signed instrument authorizing the application is required.

2. A legal description of the subject property supplied by the Kittitas County, a title company or surveyor licensed in the state of Washington, and a current county assessors map(s) showing the property(ies) subject to the application

3. For applications subject to a Type II, III or IV process, a current assessors map identifying the properties within three hundred feet of the subject site along with the names and addresses of the property owners.

4. The application fees specified by CEMC 16.48.

5. All information required by other sections of the code.

C. A determination on the completeness of an application shall be based on the presence of the required materials and shall not be based on differences of opinion as to the quality or accuracy of the submitted materials.

D. If an application is not fully complete within the time frames specified in subsection A, the city shall reject the application and return the submitted materials to the applicant along with ninety percent of required fees.

E. A determination of completeness does not prevent the city from requiring additional information or studies that are necessary to fully review the project permit. (Ord. 1139 § 1 (part), 2001)

#### **17.100.070 Type I review and decision procedure.**

The review authority shall approve, approve with reasonable conditions or deny the application pursuant to the timeliness of Section 17.100.120. A written notice of decision shall be

mailed or otherwise transmitted to the applicant. (Ord. 1139 § 1 (part), 2001)

#### **17.100.080 Type II review and decision procedure.**

A. Within fourteen days of the date of determination of completeness under Section 17.100.060, the city shall issue a notice of application consistent with the provisions of Section 17.100.100.

B. Following the comment period provided for in the notice of application, the city shall mail to the applicant copies of any comments received. The review authority shall consider any comments received along with responses by the applicant to those comments in reviewing the project permits. The applicant shall have 7 days to respond to the comments submitted.

C. A decision shall be issued subject to the time limitations of Section 17.100.120, and shall contain:

1. A list of the applicable criteria and standards against which the project was measured.

2. Statement of the facts that were found to show compliance with the applicable approval sections.

3. The justification and reason for the decision.

4. The decisions to approve, approve with conditions or deny the application.

D. Within seven days of the decision date, the review authority shall issue a notice of decision to the applicant, applicant's representative (if any), property owner, parties of record and the county assessor. The notice shall include a statement of any SEPA determination made, any appeal rights and where the complete record may be reviewed. (Ord. 1139 § 1 (part), 2001)

#### **17.100.090 Type III review and decision procedure.**

A. Within fourteen days of the date of determination of completeness under Section 17.100.060 the city shall issue a notice of application consistent with the provisions of Section 17.100.100.



The notice shall be issued at least 15 days prior to the date of the public hearing. The notice may contain the date, time and location of the public hearing if scheduled at the time of the issuance of notice.

B. If a notice of public hearing is not included in the notice of application, at least 15 days prior to the public hearing date, a notice of public hearing shall be issued by the city consistent with the requirements of Section 17.100.110. The public hearing should be scheduled to allow enough time for a decision to be issued within the time limitations of Section 17.100.120.

C. At least fourteen days prior to the public hearing, the city planner shall issue a staff report describing the project, its consistency with city standards and a recommendation to approve, approve with conditions or deny the application. The staff report shall be sent to the applicant and applicant's representative and made available to the public for review.

D. Public hearings shall be conducted in accordance with the rules of procedure adopted by the review authority and the Open Public Meeting Act, RCW 42.30 as amended and the following:

1. At the start of the public hearing the review authority shall:

a. State that testimony will be accepted only if it is applicable to the matter being reviewed and the development and approval standards.

b. State that the review authority must be unbiased in its review and whether the review authority has had any ex parte contact or has any personal and business interest in the application and provide any party the opportunity to challenge the statement.

c. State whether the review authority has visited the site.

d. State that any party that wishes to receive a copy of the decision may do so by identifying their name and address to the review authority.

e. Explain the conduct expected at the hearing.

2. At the ending of the public hearing the review authority shall announce one of the following actions:

a. That the hearing is continued to a date, time and place certain or, if not known, that a notice consistent with the initial notice will be issued; or

b. The hearing is closed but the public record will be held open to a time and date certain. The review authority shall also identify a location where written comments are to be submitted and any specific limitations there may be to the type of information that can be submitted; or

c. That the hearing and public record are closed to additional submissions and that the application is taken under advisement and a written decision will be issued; or

d. That the application is either denied, approved or approved with conditions, a summary of the decision basis and that a written decision will be issued.

E. Within twenty-one calendar days of the close of the public hearing or record, the review authority shall issue a written decision which includes at a minimum:

1. A list of the applicable criteria and standards against which the project was measured.

2. Statement of the facts that were found to show compliance with the applicable approval sections.

3. A statement of the decision along with justification and reason for the decision.

4. If the decision is to approve the application, any conditions of approval necessary to ensure compliance with applicable criteria.

F. Within seven days of receiving the decision the city planner shall mail the decision to the applicant, applicant's representative, if any; property owner, parties of record and the county assessor. The notice shall include a statement of any SEPA determination made, any appeal rights and where the complete record may be reviewed. (Ord. 1139 § 1 (part), 2001)

**17.100.100 Type IV Procedure**

A. The review and decision procedure for a Type IV application shall be the same as the process outlined in Section 17.100.090 for a Type III decision with the exception that the process shall result in a recommendation that will be considered by the city council at a closed record hearing.

B. Within seven days of receiving the recommendation from the recommending body the city planner shall forward the recommendation to the city council and mail the recommendation to the applicant, applicant's representative, if any, property owner and parties of record. The recommendation shall include notice of the closed record hearing of the city council.

C. The city council shall consider the recommendation of the review authority at the next available regularly scheduled city council meeting or at a special meeting scheduled to consider the recommendation.

D. The city council shall review the recommendation at a closed record hearing and shall either:

1. Adopt the recommendation as written.
2. Modify the recommendation and make a decision on the project permit application.
3. Remand the project permit application for the reconsideration of a specific aspect of the project. (Ord. 1139 § 1 (part), 2001)

**17.100.110 Public notice for Type II, III and IV applications.**

A. A notice of application shall be issued for all Type II, III and IV applications consistent with this section. Notice of application is not required for Type I applications.

B. The notice of application shall contain the following information:

1. The date of application, the date of notice of completion of the application and the date of the notice.
2. The name of the applicant and the name, address and phone number of the contact person.
3. The name and telephone number of a contact person with the city.

4. The location and description of the proposed project and a list of local permits included in the application.

5. The identification of any existing environmental documents that include the proposed project.

6. The location and times where the complete application can be viewed.

7. A statement of the fourteen day public comment period, the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision, and any appeal rights.

8. If known, the date, time, place and type of public hearing if applicable and scheduled.

9. A statement of the list of development regulations, if known, which will be used to review the application.

10. A statement of the application type.

11. Any other appropriate information determined to be appropriate by the city.

C. The notice of application shall be distributed to the following:

1. The applicant and applicant's representative.
2. Owners of property within three hundred feet of the subject site. The records of the Kittitas county assessors office or licensed title company shall be used to determine the owners of record of the subject properties. Failure of any one party to receive notices is not grounds for a denial of an application provided a good faith effort was made to accurately distribute notice. A sworn certificate of mailing completed by the person conducting the mailing shall be evidence of the notice being mailed.
3. Agencies with jurisdiction.

D. Notice of application shall be published in the newspaper of general circulation. The notice shall include a brief project description, location, the date, time and place of the public hearing (if applicable), where and when comments must be submitted by and where additional information can be obtained.

E. Notice of the application shall be posted in a conspicuous location on the property subject to the application. The notice shall include a brief project description, location, the date, time and place of the public hearing (if applicable), where and when comments must be submitted by and where additional information can be obtained. A sworn certificate of posting shall be completed by the person conducting the posting and submitted as evidence of the posting.

F. If a hearing is required and not scheduled at the time the notice of application is issued a separate notice of public hearing shall be issued at least 14 days prior to the public hearing. (Ord. 1139 § 1 (part), 2001)

#### **17.100.120 Decision timelines.**

As a goal, the city shall strive to process and issue a decision on all project permit applications within one hundred twenty calendar days of the date the application was determined to be complete under Section 17.100.060. The failure of the city to meet the one hundred twenty day goal shall not result in any penalties or obligations to the city, provided the city was diligent in attempts to process the application in a timely fashion. If the one hundred twenty day time period cannot be met by the city, the city shall notify the applicant in writing of the delay, stating the reasons why a decision can not be rendered in the required time period. In determining the number of days that have passed since the determination of completeness, the following time periods shall not be counted:

A. The time during which the applicant has been requested by the city to provide additional information or make changes to submitted materials.

B. The time period during which an environmental impact statement is being prepared. EISs shall be completed within one year of the date of the determination of significance, at which time the application shall become null and void.

C. An applicant may agree in writing to extend the time in which the review has to make a

decision. (Ord. 1139 § 1 (part), 2001)

#### **17.100.130 Appeals.**

A. A final decision on a Type I, II or III decision may be appealed by a party of record. No appeals to the city are permitted for Type IV decisions. Further appeals may be authorized to Superior Court or other hearing body as provided by Chapter 36.70C Revised Code of Washington. Appeals to the city must be filed within fourteen days of the date of issuance of the decision. Appeals shall be in writing and shall contain, at a minimum, the following information:

1. The case number assigned by the city and the name of the application.

2. The name and signature of the party or parties filing the appeal including an address and phone number of a contact person.

3. The specific aspects of the decision which are the subject of the appeal, the legal basis of the appeal based on adopted standards and policies, and the evidence relied on to prove the error.

4. The appeal fee pursuant to CEMC 16.48.

B. Appeals of Type I and II decisions shall be heard by city council in a de novo hearing. Notice of the appeal and the hearing shall be mailed to the parties of record and to the parties entitled to notice of the decision on the application being appealed. Staff shall prepare a report on the points of the appeal, a hearing shall be conducted and a written decision made on the appeal. The decision shall be noticed as if it was a Type III decision.

C. The city council shall consider appeals of Type III decisions. Decisions shall be based on the record established for the Type III hearing including all submitted written materials, oral arguments, the decision being appealed and the argument on the appeal by the parties.

1. The city council shall consider the appeal at a closed record public hearing. The city council shall issue a written decision to affirm, reverse, modify or remand the original decision based on the appeal and record of the original decision.

2. A notice decision of the city council shall be mailed to parties entitled to receiving notice

under CEMC 17.100.090.F [notice of decision on type III actions]. (Ord. 1153 § 1, 2001; Ord. 1139 § 1 (part), 2001)

**17.100.140 Development approval timeline.**

A. Permit approvals shall be valid for the time periods identified in this section unless a project specific development agreement authorized by RCW 36.70B.170 provides for an alternate approval period. Within the time period the applicant shall either complete the development or have applied for the necessary construction permits to complete the development. The time period shall be measured from the date of the final decision, excluding any time period during which the application was under appeal. All decisions shall include a statement of the time limit and a date upon which the application terminates. No extensions are permitted unless indicated below.

**B. Approval time periods:**

1. Preliminary subdivisions—Five years.
2. Site plan reviews—Two years.
3. Conditional use permits—One year with one one hundred eighty day extension.
4. Building permits—One hundred eighty days with one one hundred eighty day extension.
5. Zoning reviews—One year.
6. Variances—One year with one one hundred eighty day extension.
7. Additional permit types—One year.

C. Permitted extensions may only be approved if the applicant can show that circumstances beyond the control of the applicant have prevented action from being taken. (Ord. 1139 § 1 (part), 2001)

**Chapter 17.110**

**BUILDING AND USE PERMITS**

**Sections:**

**17.110.010 Application.**

**17.110.020 Flats or maps required.**

**17.110.010 Application.**

All applications for building or use permits, for use of premises, for erection of structures, or for additions to structures, shall be submitted to the city official in charge of issuing building permits and inspection of buildings (referred to as the building inspector in this title). With the exception of buildings and uses in existence at time of adoption of the ordinance codified in this title, no building shall be erected or altered or added to or moved, and no industrial, residential, commercial or public use shall be made of any premises within the city, unless a permit therefor is first obtained under the provisions of this title. (Ord. 1163 § 1 (part), 2001)

**17.110.020 Flats or maps required.**

All applications for erection, alteration, addition or moving of any building or structure shall contain plats or maps, drawn to scale, showing the actual dimensions of the lot to be used, and the size and location of existing buildings and improvements thereon, and of the building or structures to be built, altered, enlarged, or moved thereon. (Ord. 1163 § 1 (part), 2001)

**Chapter 17.115****ADDITIONS OR ANNEXATIONS TO CITY****Sections:****17.115.010 Use districts.****17.115.010 Use districts.**

Any area added or annexed to the city shall automatically be zoned in accordance with the city comprehensive plan in effect at the time of such annexation or adopted concurrently with the annexation. (Ord. 1163 § 1 (part), 2001)

**Chapter 17.120****AMENDMENTS AND  
RECLASSIFICATIONS****Sections:****17.120.010 Authorized.****17.120.020 Application procedure and  
hearing notice.****17.120.030 Standards and criteria for  
granting a reclassification.****17.120.010 Authorized.**

The city council may, upon proper petition of the affected property owner(s) or upon its own motion or that of the planning commission, and after public hearing, change by ordinance the district boundary lines or some classification as shown on the district maps, and may amend, supplement or change by chapter the regulations herein established. (Ord. 1163 § 1 (part), 2001)

**17.120.020 Application procedure and hearing  
notice.**

Application for a rezone shall be processed as a Type IV application as outlined in Section 17.100.100, Procedures. Notice of proposed district boundary changes shall be given per the requirements of Section 17.100.110. (Ord. 1163 § 1 (part), 2001)

**17.120.030 Standards and criteria for granting  
a reclassification.**

The following standards and criteria shall be used by the planning commission and city council to evaluate a request for rezone. Such an amendment shall be granted only if the request is found to be consistent with the following:

1. The proposed rezone is consistent with the comprehensive plan.
2. The proposed rezone and subsequent development would be compatible with development in the vicinity.

3. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated.

4. Adequate public utilities and public facilities are available to serve subsequent development.

5. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone.

6. The proposed rezone will not adversely affect the health, safety and general welfare of the citizens of the city. (Ord. 1163 § 1 (part), 2001)

## **Chapter 17.125**

### **ENFORCEMENT**

#### **Sections:**

#### **17.125.010 Duties.**

#### **17.125.010 Duties.**

It shall be the duty of the planning director to see that this title is enforced through the proper legal channels. The planning director shall issue no permit for the construction or alteration or addition to or moving of any building or structure unless the plans, specifications and intended use of such building and premises conform in all respects with the provisions of this title, or unless approval is specifically obtained under the provisions of this title. (Ord. 1163 § 1 (part), 2001)

**CHAPTER 17.130****VIOLATION—PENALTY****Sections:****17.130.010 Designated.****17.130.010 Designated.**

Any person, firm or corporation adjudged guilty of violating, disobeying, omitting, neglecting or refusing to comply with the provisions of this title, or who resists the enforcement of any of the provisions of this title, shall be fined in the sum of not more than three hundred dollars, or imprisoned for not more than ninety days, or both fined and imprisoned as herein provided, for each offense. Each day a violation occurs may be considered a separate offense. (Ord. 1163 § 1 (part), 2001)

**Chapter 17.140****DEVELOPMENT AGREEMENTS\*****Sections:****17.140.010 Purpose.****17.140.020 General requirements.****17.140.030 Minimum standards to be addressed.****17.140.040 Procedures.****17.140.050 Effect of agreement.****17.140.010 Purpose.**

The purpose of this chapter is to authorize and establish the means by which the city may enter into development agreements established by RCW 36.70.170.

(Ord. No. 1328, § 1, 6-22-2010)

**17.140.020 General requirements.**

A. A development agreement is an optional means, within the legislative discretion of the city council, to facilitate development of a limited geographical area.

B. The city and the property owner(s) must be a party to the development agreement. The county, special service districts, school districts, utilities, contract purchasers, lenders, and third-party beneficiaries may be considered for inclusion in the development agreement.

C. A development agreement shall establish the standards that are applicable to the development and other conditions that control the development, use, and mitigation of the property subject to the development agreement.

D. A development agreement can be entered into before, concurrent with, or following approval of the project permits for development of the property.

(Ord. No. 1328, § 1, 6-22-2010)

\*Editor's note—Ord. No. 1328, § 1, adopted June 22, 2010, amended Ch. 17.140 in its entirety to read as herein set out. Former Ch. 17.140, §§ 17.140.010—17.140.050, pertained to similar subject matter, and derived from Ord. 1147, § 1, adopted 2001.

**17.140.030 Minimum standards to be addressed.**

A. Development agreements shall include the following types of development controls, standards, and conditions:

1. Limits on density, permitted uses, residential densities, commercial floor area or acreage limitations, and/or building sizes;
2. Mitigation measures identified through the environmental review process and/or critical area regulations;
3. Design standards for buildings and other improvements including height, setbacks, architecture, landscaping, and site design;
4. Parks and open space preservation and/or dedication; and
5. Other appropriate requirements.

B. Controls, standards, and conditions may be established by referencing the applicable sections of the Cle Elum Municipal Code. By the terms of a development agreement, the city council may vary or deviate from the otherwise applicable sections of the Cle Elum Municipal Code.

C. Development agreements must specify a termination date for the agreement, establish a vesting period and specify the regulations that the development will vest to, and reserve the authority for the City of Cle Elum to impose new or different regulations and conditions to the extent required by a serious threat to public health and safety or the environment.

(Ord. No. 1328, § 1, 6-22-2010)

**17.140.040 Procedures.**

The following procedure will be used for development agreements:

A. A development agreement shall be initiated by written request from the property owner(s) to the city outlining the area proposed for the development agreement and the reasons a development agreement is being pursued;

B. If the city council determines that a development agreement is an appropriate method to handle the proposed development, the property owner shall be so informed;

C. When a development agreement is being considered, the applicant shall provide the city with plans with sufficient detail to determine the extent of development and its impacts. The city planner shall specify in writing the required materials that must be submitted with the development agreement;

D. The city council in its sole discretion may approve a development agreement; and

E. An approved and fully executed development agreement shall be recorded with the county auditor.

(Ord. No. 1328, § 1, 6-22-2010)

**17.140.050 Effect of agreement.**

A. A development agreement is binding on the parties and their successors in interest;

B. A development agreement shall run with the land;

C. A development agreement is enforceable only by a party to the agreement; and

D. Any future project permit issued by the city shall be consistent with the development agreement as long as the agreement is in effect.

(Ord. No. 1328, § 1, 6-22-2010)



**Title 18**

**CRITICAL AREAS DEVELOPMENT**

**Chapters:**

**18.01            Critical Areas Protection**



## Chapter 18.01

### CRITICAL AREAS PROTECTION\*

#### Sections:

- 18.01.010 Purpose.
- 18.01.020 Definitions.
- 18.01.030 Designation of critical areas.
- 18.01.040 Construction with other laws.
- 18.01.050 Permitting.
- 18.01.055 Determination.
- 18.01.060 New permits required for activities in critical areas.
- 18.01.070 Performance standards.
- 18.01.080 Exemptions.
- 18.01.090 Reasonable use.
- 18.01.100 Penalties.
- 18.01.110 Administrative appeals.
- 18.01.120 Nonconforming activities.
- 18.01.130 Severability.

#### 18.01.010 Purpose.

The purpose of this chapter is to protect the functions and values of critical areas, and to protect the public health, safety, and welfare of the citizens of Cle Elum. Additionally, this chapter is intended to protect public and private property and natural ecosystems found within city limits. The City of Cle Elum finds that development in and/or near critical areas may pose a threat to public and private property, to natural ecosystems and to the public health, safety and welfare. This chapter aims to protect critical areas and to channel development to less ecologically sensitive areas.

(Ord. No. 1335, § 1, 11-9-2010)

\*Editor's note—Ord. No. 1335, § 1, adopted Nov. 9, 2010, amended Ch. 18.01 in its entirety to read as herein set out. Former ch. 18.01, §§ 18.01.010—18.01.520, pertained to maintenance, enhancement and preservation of critical areas, and derived from Ord. 1039, adopted 1996.

#### 18.01.020 Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

"Buffer" or "wetland buffer" shall mean those standard buffer widths as shown on attached Table 18.01-1.

"Critical areas" include the following areas and ecosystems:

1. Wetlands;
2. Areas with a critical recharging effect on aquifers used for potable water;
3. Fish and wildlife habitat conservation areas;
4. Frequently flooded areas; and
5. Geologically hazardous areas.

"Fish and wildlife habitat conservation areas" include:

1. Areas with which endangered, threatened, and sensitive species have primary association;
2. Habitats and species of local importance;
3. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish and wildlife habitat;
4. Waters of the state;
5. State natural area preserves and natural resource conservation areas.

"Frequently flooded areas" include those flooded areas in the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program and other frequently flooded areas.

"Geologically hazardous area" means an area that is not suited to commercial, residential, or industrial development because of its susceptibility to erosion, sliding, earthquakes, or other geological events hazardous to public health or safety.

"Qualified professional" means a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology,

engineering, environmental studies, fisheries, geomorphology, or related field, and have at least five years related work experience.

a. A qualified professional for wetlands must be a professional wetland scientist with at least two years of full time work experience as a wetlands professional, including delineating wetlands using the state or federal manuals, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.

b. A qualified professional for habitat must have a degree in biology or a related degree and professional experience related to the subject species.

c. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the State of Washington.

d. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

"Qualified scientific expert" has the expertise appropriate to the relevant critical areas and is determined by the person's professional credentials and/or certification, any advanced degrees earned in the pertinent scientific discipline from a recognized university, the number of years experience in the pertinent scientific discipline, formal training in the specific area of expertise, and field and/or laboratory experience with evidence of the ability to produce peer-reviewed publications or other professional literature. No one factor is determinative in deciding whether a person is a qualified scientific expert.

"Wetland or wetlands" means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and other similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales,

canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate the conversion of wetlands.

(Ord. No. 1335, § 1, 11-9-2010)

#### **18.01.030 Designation of critical areas.**

A. The City of Cle Elum shall regulate all uses, activities and developments within, adjacent to, or likely to affect, one or more critical areas, consistent with the best available science and the provisions herein.

B. Critical areas regulated by this chapter include:

1. Wetlands are those areas, designated in accordance with the procedures outlined in WAC 173-22-035. All areas within the city meeting the wetland designation criteria as outlined in WAC 173-22-035 are hereby designated critical areas and are subject to the provisions of this chapter. Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the Washington State Wetland Rating System documents (Eastern Washington, Ecology Publication #04-06-15) or as revised by Ecology.

2. Critical aquifer recharge areas (CARAs) are those areas with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2). CARAs have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water. Aquifer recharge areas shall be rated as having high, moderate, or low susceptibility based on soil permeability, geologic matrix, infiltration, and depth to water as determined by the criteria established by the state Department of Ecology. These areas include the following:

a. Wellhead Protection Areas. Wellhead protection areas may be defined by the boundaries of

the ten year time of ground water travel or boundaries established using alternate criteria approved by the Washington State Department of Health in those settings where ground water time of travel is not a reasonable delineation criterion, in accordance with WAC 246-290-135.

b. **Sole Source Aquifers.** Sole source aquifers are areas that have been designated by the U.S. Environmental Protection Agency pursuant to the Federal Safe Water Drinking Act.

c. **Susceptible Ground Water Management Areas.** Susceptible ground water management areas are areas that have been designated as moderately or highly vulnerable or susceptible in an adopted ground water management program developed pursuant to WAC 173-100.

d. **Special Protection Areas.** Special protection areas are those areas defined by WAC 173-200-090.

e. **Moderately or Highly Vulnerable Aquifer Recharge Areas.** Aquifer recharge areas that are moderately or highly vulnerable to degradation or depletion because of hydrogeologic characteristics are those areas delineated by a hydrogeologic study prepared in accordance with the state Department of Ecology guidelines.

f. **Moderately or Highly Susceptible Aquifer Recharge Areas.** Aquifer recharge areas moderately or highly susceptible to degradation or depletion because of hydrogeologic characteristics are those areas meeting the criteria established by the state Department of Ecology.

3. **Frequently flooded areas** are those areas that have a one percent or greater chance of flooding in any given year. These areas may include, but are not limited to, streams (including intermittent ones), draws/ravines, rivers, wetlands, draws and the like.

4. **Geologically hazardous areas** include those with the following characteristics:

a. **Erosion Hazard Areas.** Erosion hazard areas are at least those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "moderate to severe," "severe," or "very severe" rill and inter-rill

erosion hazard. Erosion hazard areas are also those areas impacted by shore land and/or stream bank erosion and those areas within a river's channel migration zone.

b. **Landslide Hazard Areas.** Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors.

c. **Seismic Hazard Areas.** Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. Settlement and soil liquefaction conditions occur in areas underlain by cohesionless, loose, or soft-saturated soils of low density, typically in association with a shallow ground water table.

d. **Mine Hazard Areas.** Mine hazard areas are those areas underlain by or affected by mine workings such as adits, gangways, tunnels, drifts, or airshafts, and those areas of probable sink holes, gas releases, or subsidence due to mine workings. Coal mining activities during the early part of this century left some areas in the Upper Kittitas County honeycombed with abandoned mine workings. Many of these abandoned workings pose a danger to collapse or sinking, especially during a seismic event. Factors that should be considered include: proximity to development, depth from ground surface to the mine working, and geologic material.

e. **Volcanic Hazard Areas.** Volcanic hazard areas are areas subject to pyroclastic flows, lava flows, debris avalanche, and inundation by debris flows, lahars, mudflows, or related flooding resulting from volcanic activity.

f. **Other Hazard Areas.** Geologically hazardous areas shall also include areas determined by the [director] to be susceptible to other geological events including mass wasting, debris flows, rock falls, and differential settlement.

5. Fish and wildlife habitat conservation areas include those with the following characteristics:

a. **Federally Designated Endangered, Threatened and Sensitive Species.** Areas with which federally designated endangered, threatened and sensitive species have a primary association. Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted for current listing status.

h. **State Designated Endangered, Threatened and Sensitive Species.** Areas with which state designated endangered, threatened and sensitive species have a primary association. State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the state of Washington identified by the Washington Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species) and WAC 232-12-011 (state threatened and sensitive species). The state Department of Fish and Wildlife maintains the most current listing and should be consulted for current listing status.

c. **State Priority Habitats and Areas Associated With State Priority Species.** Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A

priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the state Department of Fish and Wildlife.

d. **Habitats and Species of Local Importance.** Habitats and species of local importance are those identified by the [city/county], including but not limited to those habitats and species that, due to their population status or sensitivity to habitat manipulation, warrant protection. Habitats may include a seasonal range or habitat element with which a species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

C. All areas within the city meeting the definition of one or more critical areas defined above are hereby designated critical areas and are subject to the provisions of this chapter.  
(Ord. No. 1335, § 1, 11-9-2010)

#### **18.01.040 Construction with other laws.**

A. **Abrogation and Greater Restrictions.** It is not intended that this chapter repeals, abrogates, or impairs any existing regulations, easements, covenants, or deed restrictions. However, when this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

B. **Interpretation.** The provisions of this chapter shall be liberally construed to serve the purposes of this chapter.  
(Ord. No. 1335, § 1, 11-9-2010)

#### **18.01.050 Permitting.**

All applications for permits to conduct activities having a possible significant impact on critical areas that are located on or near a project site must identify the areas affected and make an estimate of the probable impact. The City of Cle Elum shall deny all requests for permits which would result in activities degrading a wetland or fish and/or wildlife habitat conservation area, which would put people or property in a position of unacceptable risk with respect to floods or

geologic hazards, which would tend to aggravate geologic hazards, or which would harm critical recharging areas for aquifers. The City of Cle Elum may, however, grant permits which include mitigation measures if the mitigation measures adequately protect the critical area and people involved. In granting a permit that includes mitigation measures, best available science, which shall be determined utilizing the criteria set out in WAC 365-195-900 through 365-195-925, shall be used to develop and approve the mitigation measures. (Ord. No. 1335, § 1, 11-9-2010)

#### **18.01.055 Determination.**

A. Each development permit shall be reviewed to determine if the proposal is within a critical area or critical area buffer. City staff shall use maps and data maintained by the city and a site inspection if appropriate.

B. If it is determined that a critical area(s) is present additional assessments prepared by a qualified professional best suited for the type of identified critical area(s) may be required.

C. In cases related to geohazards, the assessment shall include a description of the geology of the site and the proposed development; and assessment of the potential impact the project may have on the geologic hazard; an assessment of what potential impact the geologic hazard may have on the project; appropriate mitigation measures, if any; a conclusion as to whether further analysis is necessary; and be signed by and bear the seal of the engineer or geologist that prepared it.

D. When a geotechnical report is required it shall include a certification from the engineer preparing the report, including the engineer's professional stamp and signature, stating all of the following:

1. The risk of damage from the project, both on- and off- site;
2. The project will not materially increase the risk of occurrence of the hazard; and
3. The specific measures incorporated into the design and operational plan of the project to eliminate or reduce the risk of damage due to the hazard.

E. All mitigation measures, construction techniques, recommendations and technical specifications provided in the geotechnical report shall be applied during the implementation of the proposal. The engineer of record shall submit sealed verification at the conclusion of construction that development occurred in conformance with the approved plans.

F. A proposed development cannot be approved if it is determined by the geotechnical report that either the proposed development or adjacent properties will be at risk of damage from the geologic hazard, or that the project will increase the risk of occurrence of the hazard, and there are no adequate mitigation measures to alleviate the risks.

(Ord. No. 1335, § 1, 11-9-2010)

#### **18.01.060 New permits required for activities in critical areas.**

The following activities shall require a critical areas permit if they are not already reviewed through a more general permit in which the applicant has reported a possible impact on a critical area:

A. In Wetlands: The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter or material of any kind; dumping, discharging, or filling with any material; the draining, flooding, or disturbing of the water level or water table; the driving of piling; the placing of obstructions; the construction, reconstruction, or demolition or expansion of any structure; the destruction or alteration of wetlands vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland, or activities that result in a significant change of physical or chemical characteristics or wetland water sources, including quantity, or the introduction of pollutants.

B. In Critical Aquifer Recharge Areas: Any land use, agricultural activity, or other activity having significant potential to contaminate the water.

C. In Fish and Wildlife Habitat Conservation Areas: Any land use or other activity having the potential to significantly degrade the habitat or harm wildlife.

D. In Frequently Flooded Areas: Any land use or other activity likely to contribute to a significant increase in flood hazards or to place a significant number of people in danger.

E. In Geologically Hazardous Areas: Any land use or other activity likely to contribute to a significant increase in geological hazards or to place people in danger.

F. Designated critical areas and any associated buffers shall be designated and disclosed on the final plats, maps, documents, etc., as critical area tracts, non-buildable lots and buffer areas or common areas.

(Ord. No. 1335, § 1, 11-9-2010)

#### **18.01.070 Performance standards.**

The following general performance standards shall apply to activities permitted within critical areas or critical area buffers. Additional standards may be necessary based on site specific considerations or proposed development impacts.

##### **A. General Performance Standards:**

1. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan based off of Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance (Version 1, Publication #06-06-011a, March 2006, or as amended) and Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans (Version 1, Publication #06-06-011b, March 2006, or as amended).

2. Mitigation plans shall include a discussion of mitigation alternatives (sequencing) as they relate to:

a. Avoiding the impact altogether by not taking a certain action or parts of an action;

b. Minimizing impacts by limiting the degree or magnitude of the actions and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or

f. Monitoring the impact and taking appropriate corrective measures.

3. All boundaries of critical areas or any associated buffers shall be delineated prior to development activity on site.

4. Mitigation Ratios shall mean those wetland mitigation ratios as shown on attached Table 18.01-2.

##### **B. Wetland Areas:**

1. Lights shall be directed away from the wetland.

2. Activities that generate noise shall be located away from the wetland, or noise impacts shall be minimized through design or insulation techniques.

3. Toxic runoff from new impervious surface area shall be directed away from wetlands.

4. Treated storm water runoff may be allowed into vegetated wetland buffers in accordance with provisions of the Eastern Washington Stormwater Manual. Channelized flow shall be prohibited.

5. Use of pesticides, insecticides and fertilizers within 150 feet of wetland boundary shall be limited and follow Best Management Practices (BMPs).

6. The outer edge of the wetland buffer shall be marked, identified, planted with dense native vegetation and/or fenced with wildlife permeable fencing for the purposes of identifying the wetland buffer area and to discourage human disturbance.

##### **C. Critical Aquifer Recharge Areas (CARA):**

1. The city lies over alluvial soil deposits. There are unconsolidated materials composed of silt, sand and gravel, which in places are several hundred feet in depth. This deposit material is impor-



tant as a water conveying unit and supplies the groundwater of stream flow (recharge). In general, areas of permeable soils in combination with geological transfer structure may be aquifer recharge areas. Based on the information and maps contained in hydrology of the Upper Yakima River Basin and landscape planning, environmental applications, the city is as an aquifer recharge area. This is a preliminary determination until further studies of geology and hydrology are conducted on an overall or individual property specific basis to either include or exclude them as an aquifer recharge area (Ord. 1039 (part), 1996).

2. All structures shall be placed to provide a maximum buffer to known specific CARA.

3. Impervious coverage of the lot shall be minimized.

4. Best Management Practices shall be used during construction.

**D. Fish and Wildlife Habitat Conservation Areas:**

1. Flora (plant life) and Fauna (animal life) identified as protected, shall be sheltered from construction activities using Best Management Practices.

2. Replacement of any flora shall be maintained by the applicant for three years to establish viable plant life.

**E. Frequently Flooded Areas:**

1. All structures and other improvements shall be located on the buildable portion of the site out of the area of flood hazard. Where necessary residential buildings may be elevated.

2. Utilities shall either be located three or more feet above the base flood elevation (BFE), or be engineered to the City of Cle Elum Engineers requirements appropriate for the conditions.

3. All new construction and substantial improvements shall be constructed using flood resistant materials and using methods and practices that minimize flood damage.

4. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

5. No rise in the BFE shall be allowed. Post and piling techniques are preferred and are presumed to produce no increase in the BFE.

6. Modification of stream channels shall be avoided.

**F. Geologically Hazardous Areas:**

1. Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography.

2. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation.

3. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties.

4. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer.

**G. Additional Considerations:**

1. Site specific considerations may warrant additional performance standards, to be determined during the permit process, to ensure the protection of critical areas.

2. Development specific considerations may warrant additional performance standards based on level of impact to critical areas.

(Ord. No. 1335, § 1, 11-9-2010)

## **18.01.080 Exemptions.**

The following developments, activities and associated uses shall be exempt from the provisions of this chapter, provided that they are otherwise consistent with the provisions of other local, state, and federal laws and requirements:

**A. Emergencies.** Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of this chapter. Emergency actions that create an impact to a critical area or its buffer shall use reasonable methods to address the emergency; in addition, they must have the least possible impact to the

critical area or its buffer. Once the immediate threat has been addressed, any adverse impacts on critical areas as subject to the provisions of this chapter, including but not limited to, minimizing and mitigating any impacts to critical areas.

**B. Operation, Maintenance, or Repair.** Operation, maintenance, or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees, or drainage systems, that do not require construction permits, if the activity does not further alter or increase the impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair. Operation and maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures, infrastructure, or utilities, provided that such management actions are part of regular and ongoing maintenance, do not expand further into the critical area, are not the result of an expansion of the structure or utility, and do not directly impact an endangered or threatened species; and

**C. Passive Outdoor Activities.** Recreation, education and scientific research activities that do not degrade the critical area, including fishing, hiking, and bird watching.

(Ord. No. 1335, § 1, 11-9-2010)

#### **18.01.090 Reasonable use.**

**A.** Where the provisions of this chapter would prevent all reasonable use of those properties completely encumbered by critical areas, the property owner may apply for a reasonable use exception if it is demonstrated that all of the following five conditions exist:

1. No reasonable use of the property is possible without some impact to the critical area.
2. No feasible and reasonable onsite alternative to the proposed activities is possible, including possible changes in site layout, reductions in density, and similar factors that would allow a reasonable economic use with fewer adverse impacts.

3. The proposed activities, as conditioned, will result in the minimum possible impacts to affected critical areas, considering their functions and values and/or the risks associated with proposed development. The inability to derive reasonable economic use is not the result of the applicant's actions or that of a previous property owner, such as by segregating or dividing the property and creating an undevelopable condition.

4. Any alteration of a critical area approved under this section shall be subject to appropriate conditions and will require mitigation under an approved mitigation plan.

**B.** The responsibility of proving the presence of the above criteria shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

**C.** A request for a reasonable use exception shall be made to the City of Cle Elum and shall be processed as a Type III application according to the provisions in CEMC 17.100 "quasi-judicial review of applications." The request shall include a critical areas report, including a mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy. The city planner shall prepare a recommendation to the city's planning commission based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria identified above.

**D.** The Planning Commission shall review and decide upon the request for reasonable use, and shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with the reasonable use exception criteria identified above.

(Ord. No. 1335, § 1, 11-9-2010)

**18.01.100 Penalties.**

The city shall process violations of this chapter in accordance with the procedures identified in Chapter 8.60 Code Enforcement, of the Cle Elum Municipal Code.

(Ord. No. 1335, § 1, 11-9-2010)

**18.01.110 Administrative appeals.**

Any aggrieved person dissatisfied with a permitting decision may appeal the decision in accordance with the procedures identified in Chapter 17.100.130 Appeals, of the Cle Elum Municipal Code.

(Ord. No. 1335, § 1, 11-9-2010)

**18.01.120 Nonconforming activities.**

A regulated activity that was approved prior to the passage of this chapter and to which significant economic resources have been committed pursuant to such approval but which does not conform to this chapter may be continued subject to the following:

A. No such activity shall be expanded, changed, enlarged, or altered in any way that increases the extent of its nonconformity without a permit issued pursuant to the provisions of this chapter.

B. Except for cases of discontinuance as part of a normal agricultural activity, if a nonconforming activity is discontinued for twelve consecutive months, any resumption of the activity shall conform to this chapter.

C. If a nonconforming use or activity is destroyed by human activities or an act of God, it shall not be resumed except in conformity with the provisions of this chapter.

D. Activities or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming activities.

(Ord. No. 1335, § 1, 11-9-2010)

**18.01.130 Severability.**

If any clause, sentence, paragraph, section or part of this chapter or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any part thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

(Ord. No. 1335, § 1, 11-9-2010)

**Table 18.01-1 Wetland Buffer Requirements**

<b>Wetland Category</b>	<b>Standard Buffer Width</b>
Category I: Based on total score	75 ft
Category I: Forested	75 ft
Category I: Bogs	190 ft
Category I: Alkali	150 ft
Category I: Natural Heritage Wetlands	190 ft
Category II: Based on total score	75 ft
Category II: Vernal Pool	150 ft
Category II: Forested	75 ft
Category III: (all)	60 ft
Category IV: (all)	40 ft

**Table 18.01-2 Wetland Mitigation Ratios**

<b>Category and Type of Wetland</b>	<b>Creation or Re-establishment</b>	<b>Rehabilitation</b>	<b>Enhancement</b>	<b>Preservation</b>
Category I: Bog, Natural Heritage Site	Not considered possible	6:1	Case-by-case	10:1
Category I: Mature Forested	6:1	12:1	24:1	24:1
Category I: Based on functions	4:1	8:1	16:1	20:1
Category II	3:1	6:1	12:1	20:1
Category III	2:1	4:1	8:1	15:1
Category IV	1.5:1	3:1	6:1	10:1

**STATUTORY REFERENCES**  
**FOR**  
**WASHINGTON CITIES AND TOWNS**

The statutory references listed below refer the code user to state statutes applicable to Washington cities and towns. They are up to date through July, 2009.

**General Provisions**

**Incorporation**

Wash. Const. Art. XI § 10 and RCW ch. 35.02

**Classification of municipalities**

RCW chs. 35.01 and 35.06

**Annexations**

RCW ch. 35.13

**First class cities**

RCW ch. 35.22

**Second class cities**

RCW ch. 35.23

**Towns**

RCW ch. 35.27

**Unclassified cities**

RCW ch. 35.30

**Miscellaneous provisions applicable to all cities and towns**

RCW ch. 35.21

**Adoption of codes by reference**

RCW 35.21.180

**Codification of ordinances**

RCW 35.21.500 et seq.

**Penalties for ordinance violations in first class cities**

RCW 35.22.280(35); 35.21.163 and 35.21.165

**Penalties for ordinance violations in second class cities**

RCW 35.23.440(29); 35.21.163 and 35.21.165

**Penalties for ordinance violations in towns**

RCW 35.27.370(14); 35.21.163 and 35.21.165

**Civil infractions**

RCW ch. 7.80

**Elections**

RCW title 29A

**Campaign finances and disclosure**

RCW ch. 42.17

**Official newspaper**

RCW 35.21.875

**Administration and Personnel**

**Commission form of government**

RCW ch. 35.17

**Council-manager plan**

RCW ch. 35.18

**City council in second class cities**

RCW 35.23.181 et seq.

**Town council**

RCW 35.27.270 et seq.

**Officers in second-class cities**

RCW 35.23.021 et seq.

**Officers in towns**

RCW 35.27.070 et seq.

**Local government whistleblower protection**

RCW ch. 42.41

**Code of ethics for officers**

RCW ch. 42.23

**Open Public Meeting Act of 1971**

RCW ch. 42.30

**Municipal courts**

RCW chs. 3.46, 3.50, 35.20

**Planning commissions**

RCW ch. 35.63

**Hearing examiner system for zoning amendments**

RCW 35A.63.170

Emergency management  
RCW ch. 38.52

### **Revenue and Finance**

Budgets  
RCW chs. 35.32A, 35.33, 35.34

Bonds  
RCW chs. 35.36, 35.37, 35.41

Depositories  
RCW ch. 35.38

Investment of funds  
RCW ch. 35.39

Accident claims and funds  
RCW ch. 35.31

Validation and funding of debts  
RCW ch. 35.40

Local improvements  
RCW ch. 35.43—35.56

Retail sales and use taxes  
RCW ch. 82.14

Leasehold excise tax  
RCW ch. 82.29A

Real estate excise tax  
RCW ch. 82.46

Tax on admissions  
RCW 35.21.280

Property tax in first class cities  
RCW 35.22.280(2)

Property tax in second class cities  
RCW 35.23.440(46)

Property tax in towns  
RCW 35.27.370(8)

Lodging tax  
RCW 67.28.180 et seq.

Gambling taxes  
RCW 9.46.110

State preemption of certain tax fields  
RCW 82.02.020

### **Business Licenses and Regulations**

First class city licenses  
RCW 35.22.280(32) and (33)

Second class city licenses  
RCW 35.23.440(2)—(8)

Town licenses  
RCW 35.27.370(9)

Municipal business and occupation tax  
RCW ch. 35.102

Uniform license fee or tax rate  
RCW 35.21.710 and 35.21.711

License fees or taxes on telephone businesses  
RCW 35.21.712—35.21.715

Ambulance business taxes  
RCW 35.21.768

Freight carrier taxes  
RCW 35.21.840—35.21.850

Gambling  
RCW chs. 9.46, 9.47

Liquor  
RCW 66.08.120 and 66.44.010

Auctioneers  
RCW 35.21.690

Cabarets  
RCW 66.28.080

Cable television  
RCW ch. 35.99

Massage practitioners  
RCW 35.21.692

Newspaper carriers  
RCW 35.21.696

### **Animals**

Power of second class cities to regulate  
RCW 35.23.440(11)

Power of towns to regulate  
RCW 35.27.370(7)

Cruelty to animals  
RCW ch. 16.52

Dangerous dogs  
RCW 16.08.070 et seq.

### **Health and Safety**

Generally  
RCW Title 70

Local health boards and officers

RCW ch. 70.05

Garbage collection and disposal

RCW 35.21.120 et seq. and RCW ch. 35.67

Litter control

RCW ch. 70.93

Fireworks

RCW ch. 70.77

### **Public Peace, Morals and Welfare**

Crimes and punishments

RCW Title 9

Washington Criminal Code

RCW Title 9A

Drunkenness and alcoholism

RCW 70.96A.190

Discrimination

RCW ch. 49.60

Juvenile curfew

RCW 35.21.635

### **Vehicles and Traffic**

Motor vehicles

RCW title 46

Model traffic ordinance

RCW ch. 46.90

Penalties for driving while intoxicated

RCW 35.21.165

Accident reports

RCW ch. 46.52

### **Streets, Sidewalks and Public Places**

Local improvements

RCW chs. 35.43—35.56

Metropolitan park districts

RCW ch. 35.61

Street construction and maintenance

RCW chs. 35.72—35.79

Sidewalk construction

RCW chs. 35.68—35.70

### **Public Services**

Municipal utilities

RCW ch. 35.92

Municipal Water and Sewer Facilities Act

RCW ch. 35.91

Sewer systems

RCW ch. 35.67

Water or sewer districts, assumption of jurisdiction

RCW ch. 35.13A

### **Buildings and Construction**

State building code

RCW ch. 19.27

Unfit dwellings, buildings and structures

RCW ch. 35.80

Energy-related building standards

RCW ch. 19.27A

Electrician and electrical construction

RCW ch. 19.28

Electrical construction

RCW ch. 19.29

Development impact fees

RCW 82.02.050 et seq.

### **Subdivisions**

Subdivisions generally

RCW ch. 58.17

Short plats and short subdivisions

RCW 58.17.060 et seq.

Hearing examiner system for plat approval

RCW 58.17.330

### **Zoning**

Generally

RCW 35.63.080 et seq.

Hearing examiner system for zoning applications

RCW 35.63.130

Growth management

RCW ch. 36.70A

Judicial review of land use decisions

RCW ch. 36.70C





## ORDINANCE LIST AND DISPOSITION TABLE

Beginning with Supplement No. 10, this table will be replaced with the "Code Comparative Table and Disposition List."

Ordinance Number		Ordinance Number	
1	Time of council meetings (Repealed by 778)	17	Keeping of houses of ill fame (9.08)
2	Place of council meetings (Repealed by 10)	18	Licensing of peddlers and hawkers (Repealed by 151)
3	Official newspaper and publication of ordinances (Repealed by 778)	19	Licensing of public amusements (Repealed by 778)
4	Bonds of town treasurer, marshal and clerk (Repealed by 778)	20	Annual street poll tax on male inhabitants (Repealed by 778)
5	Compensation of town treasurer, marshal and clerk (Repealed by 778)	21	Fire prevention regulations; fire-arms and fireworks (Repealed by 669)
6	Dog license fee and dogs running at large (Repealed by 107)	22	Accumulation or deposit of filth, rubbish or offensive substances (Repealed by 532)
7	License and regulation of sale of intoxicating liquors (Repealed by 95)	23	Disorderly conduct, assault and battery and dangerous weapons (9.04, 9.12, 9.32)
8	Northwestern Improvement Company franchise (Special)	24	Creates LID No. 1 (Special)
9	Sunset Telephone and Telegraph Company franchise (Special)	25	Sidewalk construction and maintenance (Repealed by 120)
10	Place of council meetings; repeals Ord. 2 (Repealed by 778)	26	Commitment of persons to city jail for nonpayment of fines (Repealed by 778)
11	Amends §§ 2 and 3 of Ord. 7, sale of intoxicating liquors (Repealed by 95)	27	Special election for water bonds (Special)
12	Domestic animals running at large (Repealed by 596, 651)	28	Amends Ord. 10, place of council meetings (Repealed by 778)
13	Keeping of swine within town limits (Repealed by 596, 651)	29	1902 tax levy (Special)
14	Licensing of transient traders (Repealed by 443)	30	Notice of municipal elections (Repealed by 778)
15	Public auctions (Repealed by 443)	31	Requires surety bonds of persons giving bond to town (2.30)
16	Gambling (Repealed by 778)	32	Amends § 1 of Ord. 5, compensation of city treasurer (Repealed by 778)

Ordinance Number		Ordinance Number	
33	Riding or driving horses or other animals or bicycles within town (Repealed by 544)	56	Place of council meetings (Repealed by 778)
34	Special election for water bonds (Special)	57	Salaries of town officers (Repealed by 203)
35	Water bonds issuance (Special)	58	Appointment of street and water commissioner (Repealed by 778)
36	Water system rates and regulations (Not codified)	59	Bonds of attorney and water and street commissioner (Repealed by 778)
37	Sidewalk construction (Special)	60	Granting of easement (Special)
38	Street grading (Special)	61	Repeals Ord. 45 (Repealer)
39	Laying and maintenance of water pipes under railway tracks (Special)	62	Amends § 1 of Ord. 20, street poll tax on male inhabitants (Repealed by 778)
40	1903 tax levy (Special)	63	Amends § 4 of Ord. 21, fire prevention (Repealed by 669)
41	Water fund (Special)	64	Amends § 2 of Ord. 19, license fee for public amusements (Repealed by 778)
42	Fire department organization and regulations (2.15)	65	Public sewer connections (Repealed by 445, 506)
43	Curfew for persons under age of fifteen (Repealed by 778)	66	Supervision and control of sewers and house drains (Repealed by 506)
44	Street grading and curbing (Special)	67	Interference with manholes, flush tanks and public sewers (Repealed by 506)
45	Licensing of drays and other vehicles for hire (Repealed by 61)	68	Creates LID No. 8 (Special)
46	(Missing)	69	Sinking fund for payment of water bonds (Special)
47	Datum plane (1.08)	70	Specifications for smoke stacks on stationary engines (Repealed by 778)
48	Sidewalk construction (Special)	71	Creates LID No. 9 (Special)
49	Vagrancy (Repealed by 778)	72	Adds § 6 1/2 to Ord. 7, sale of intoxicating liquors (Repealed by 95)
50	Work on streets by persons convicted and fined for violations (Repealed by 778)	73	1905 tax levy (Special)
51	Sidewalk construction (Special)		
52	Street grading and curbing (Special)		
53	Establishes town wards (Repealed by 555)		
54	Water system rates and regulations (Repealed by 165)		
55	1904 tax levy (Special)		

**Ordinance  
Number**

- 74 Amends § 3 of Ord. 25, construction of lumber sidewalks (Repealed by 120)
- 75 Amends Ord. 72, sale of intoxicating liquors (Repealed by 95)
- 76 Contract to supply water to Northern Pacific Railway Company (Special)
- 77 Leaving and hitching horses or mules on certain streets (Repealed by 596, 651)
- 78 Amends §§ 1 and 2 of Ord. 69, water bond sinking fund (Special)
- 79 Special election on water system on bonds (Special)
- 80 Creates special water fund (Special)
- 81 Street vacation (Special)
- 82 1906 tax levy (Special)
- 83 Alley vacation (Special)
- 84 Gates opening or swinging across sidewalks (12.20)
- 85 Amends § 3 of Ord. 6, dog license fee (Repealed by 107)
- 86 Northern Pacific Railway Company franchise (Special)
- 87 Creates LID No. 10 (Special)
- 88 Creates LID No. 11 (Special)
- 89 (Missing)
- 90 Speed limit of railway trains, automobiles and teams (Repealed by 264)
- 91 Obstruction of public street crossings (12.12)
- 92 1907 tax levy (Special)
- 93 Amends § 1 of Ord. 18, peddler's license (Repealed by 151)
- 94 Amends §§ 2 and 3 of Ord. 11, sale of intoxicating liquor (Repealed by 95)

**Ordinance  
Number**

- 95 Sale of intoxicating liquor; repeals Ords. 7, 11 and 94 (Repealed by 106)
- 96 Dogs running at large (Repealed by 107)
- 97 Saloon closing hours (Repealed by 101)
- 98 Creates LID No. 12 (Special)



# ORDINANCE LIST

99	Creates LID No. 13 (Special)	122	Amends § 6 of Ord. 116, dogs running at large (Repealed by 596, 651)
100	Creates LID No. 14 (Special)		
101	Repeals Ord. 97 (Repealer)	123	Grants right to build railway system (Special)
102½	Creates LID No. 15 (Special)		
102	Duties and compensation of health officer (Repealed by 778)	124	Repeals Ord. 104 (Repealer)
		125	Police department (Repealed by 778)
103	1908 tax levy (Special)	126	Amends §§ 4 and 6 of Ord. 106, intoxicating liquor (Repealed by 778)
104	Grants right to build railway system (Repealed by 124)	127	Creates LID No. 18 (Special)
105	Amends § 5 of Ord. 57, salaries (Repealed by 203)	128	Creates LID No. 19 (Special)
		128½	Sidewalk repair and maintenance (Repealed by 778)
106	Sale of intoxicating liquor; repeals Ord. 95 (Repealed by 778)	129	Creates LID No. 20 (Special)
107	Keeping of dogs; repeals Ords. 6, 85 and 96 (Repealed by 596, 651)	130	Alley vacation (Special)
		131	Amends § 2 of Ord. 57, salary of treasurer (Repealed by 203)
108	Prevention of fires in hotels or public lodginghouses (Repealed by 778)	132	1911 tax levy (Special)
109	Duties and compensation of fire chief (Repealed by 514)	133	Approves assessments of LID No. 18 (Special)
110	Northern Pacific Railway Company franchise (Special)	134	Approves assessments of LID No. 19 (Special)
111	Creates LID No. 16 (Special)	135	Expectoration (9.16)
112	1909 tax levy (Special)	136	Approves assessments of LID No. 20 (Special)
112½	Treasurer's monthly report to council (2.06)	137	Walking or driving upon parking strips (Repealed by 544)
113	Duties of fire department; false fire alarms (2.15)	138	Keeping and storing of automobiles (8.32)
114	Amends § 3 of Ord. 57, salary of city attorney (Repealed by 203)	139	Alley vacation (Special)
115	Keeping of domestic fowls (Repealed by 778)	140	1913 tax levy (Special)
		141	Amends § 1 of Ord. 57, salaries (Repealed by 203)
116	Dogs running at large (Repealed by 596, 651)	142	Keeping and storage of gasoline, benzine and naphtha (8.36)
117	Accumulation and disposal of garbage (Repealed by 167, 532)	143	Pacific Telephone and Telegraph franchise (Special)
118	Amends § 28 of Ord. 54, water rates (Repealed by 165, 261)	144	Licensing of transient merchants (Repealed by 443)
119	Fire limits and regulations (Repealed by 514)	145	Amends § 1 of Ord. 125, police department (Repealed by 778)
119½	Salary of street and water commissioner (Not codified)	146	Northern Pacific Railway Company franchise (Special)
120	Sidewalk construction specifications; repeals Ord. 25 (Repealed by 804)	147	1914 tax levy (Special)
121	1910 tax levy (Special)	148	Amends § 3 of Ord. 119, repair of wooden buildings (Repealed by 514)

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149	Police department (Repealed by 778)	173	Communication power, light and heat franchise (Special)
150	Public library (2.45)		
151	Licensing of peddlers and hawkers; repeals Ord. 18 and 93 (Repealed by 443)	174	Prohibits minors in public pool or billiard hall (Repealed by 778)
		175	Intoxicating liquor regulations (Repealed by 182½, 778)
152	Regulates Greenwood Cemetery and Laurel Hill Cemetery (Repealed by 528)	176	Pacific Telephone and Telegraph Company franchise (Special)
153	Amends § 1 of Ord. 137, parking strips (Repealed by 544)	177	Business license regulations (Repealed by 443)
154	Amends § 29 of Ord. 152, sale of graves and lots (Repealed by 209½, 261)	178	Office of water collector (Repealed by 778)
		179	Pacific Telephone and Telegraph Company franchise (Special)
155	Licensing of motor-driven vehicles (Repealed by 170, 443, 778)	180	Purchase of property (Special)
156	Operation of motor-driven vehicles (Repealed by 170)	181	Police department; repeals Ord. 163 (Repealed by 778)
157	1915 tax levy (Special)	182	Livestock running at large (Repealed by 596, 651)
158	Expiration of certain liquor licenses issued in 1915 (Not codified)	182½	Intoxicating liquor regulations; repeals Ord. 175 (Repealed by 778)
159	(Number not used)		
160	Amends § 2 of Ord. 116, dogs running at large (Repealed by 596, 651)	183	Camping within city limits (8.44)
		184	Privy vaults and cesspools (Repealed by 506)
161	Plat acceptance (Special)		
162	Grants permission to Standard Oil Company to build warehouse (Special)	185	Amends § 1 of Ord. 164, fire limits (Repealed by 226, 303)
163	Police department (Repealed by 181)	186	Construction, use and occupation of buildings (Repealed by 514)
164	Fire limits and regulations (Repealed by 303)	187	1918 tax levy (Special)
165	Dated 10/4/15 1915 tax levy (Special)	188	Chicago, Milwaukee and St. Paul Railway Company franchise (Special)
165	Dated 1/14/16 Water system rates and regulations; repeals Ords. 54 and 118 (Repealed by 776)	189	Time of council meetings (Repealed by 218)
166	Toilets (Repealed by 506)	190	Creates LID No. 21 (Special)
167	Accumulation and disposal of garbage; repeals Ord. 117 (Repealed by 532)	191	Amends § 8 of Ord. 177, business licenses (Repealed by 443)
168	Adds §§ 34 and 35 to Ord. 165, water rates (Repealed by 209½, 261)	192	Payment of costs of local improvements (3.32)
169	Storage and sale of meat (8.04)	193	Special bond election (Special)
170	Motor vehicle regulations; repeals Ord. 156 (Repealed by 230)	194	1919 tax levy (Special)
		195	Amends § 3 of Ord. 178, water collector (Repealed by 778)
171	1917 tax levy (Special)		
172	Licensing and regulation of secondhand dealers (Repealed by 964)	196	Special bond election (Special)
		197	Special bond election (Special)
		198	Creates LID No. 22 (Special)

# ORDINANCE LIST

199	(Number not used)	222	Alley vacation (Special)
200	Creates LID No. 24 (Special)	223	Emergency expenditure (Special)
201	Approves assessments of LID No. 21 (Special)	224	1923 tax levy (Special)
202	Dated 9/13/20 Amends § 2 of Ord. 200, street improvements (Special)	225	1924 budget (Special)
202	Dated 10/11/20 1920 tax levy (Special)	226	Amends § 1 of Ord. 164, fire limits; repeals Ord. 185 (Repealed by 235 dated 4/13/25, 303)
203	Salaries of city officers; repeals Ord. 57 (Not codified)	1/28/24	Amends § 4 of Ord. 177, business licenses (Repealed by 443)
204	Amends § 3 of Ord. 177, business licenses (Repealed by 443)	227	Amends § 6 of Ord. 167, disposal of ashes (Repealed by 532)
205	Approves assessments of LID No. 22 (Special)	228	Board of park commissioners (Repealed by 778)
206	Sanitation of food establishments (8.04)	229	Licensing of solicitors (Repealed by 443)
207	Amends § 6 of Ord. 203, salary of health officer (Not codified)	230	Traffic code; repeals Ord. 170 (Repealed by 544)
208	Amends § 6 of Ord. 203, salary of health officer (Repealed by 216)	231	1924 tax levy (Special)
209	1921 tax levy (Special)	232	Amends § 2 of Ord. 216, salary of attorney (Not codified)
209½	Adds §§ 34 and 35 to, and amends § 28 of, Ord. 165, water rates; repeals Ords. 154 and 168 (Repealed by 444)	233	Slaughter of animals and sale of meat (Repealed by 778)
210	Repeals and replaces § 3 of Ord. 177, business licenses (Repealed by 443)	234	Sale of milk and cream (Repealed by 778)
211	Food and drink establishments (Repealed by 443)	235	Dated 4/13/25 Amends § 1 of Ord. 164, fire limits; repeals Ord. 226 (Repealed by 303)
212	Purchase of bonds (Special)		Dated 8/10/25 Emergency expenditure (Special)
213	Reassessment of street improvement costs (Special)	235	Emergency expenditure (Special)
214	Issuance of bonds (Special)	236	Protection of water supply system (13.16)
215	1922 tax levy (Special)	237	1925 tax levy (Special)
216	Amends §§ 2 and 3 of Ord. 203, salaries of city officer; repeals Ord. 208 (Not codified)	238	Emergency expenditure (Special)
217	Adds §§ 19 and 20 to, and amends §§ 4 and 17 of, Ord. 182½, intoxicating liquor (Repealed by 778)	239	Inspection of premises by fire department (8.24)
218	Time of council meetings; repeals Ord. 189 (Repealed by 508)	240	1926 tax levy (Special)
219	Grants right to Union Oil Company to erect warehouse (Special)	241	Emergency expenditure (Special)
220	Slaughter of animals and sale of meat (Repealed by 778)	242	Creates LID No. 23 (Special)
221	Pacific Telephone and Telegraph Company franchise (Special)	243	Issuance of emergency warrants (Special)
		244	1927 tax levy (Special)
		245	(Number not used)
		246	Amends § 20 of Ord. 230, speed limit (Repealed by 544)
		247	

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248	Approves assessments of LID No. 23 (Special)	271	Amends § 6 of Ord. 177, business licenses (Repealed by 443)
249	Adds to Ord. 230, traffic code; repeals § 19 of Ord. 230 (Repealed by 544)	272	Pacific Telephone and Telegraph Company franchise (Special)
250	Business license regulations; repeals §§ 3 and 4 of Ord. 177, and Ord. 204 (Not passed)	273	Amends §§ 1 and 13 of Ord. 233, slaughter of animals and sale of meat (Repealed by 778)
251	Issuance of emergency warrants (Special)	274	Amends §§ 5 and 8 of Ord. 269, fermented malt and vinous liquors (Repealed by 443)
252	Dated 2/13/28 Duties of meat inspector (2.12)	275	Northwestern Improvement Company franchise (Special)
252	Dated 6/11/28 Amends § 8 of Ord. 230, traffic code (Repealed by 544)	276	Keeping of foxes (Repealed by 596, 651)
253	1929 tax levy (Special)	277	1934 tax levy (Special)
254	Street vacation (Special)	278	Repeals Ord. 257 (Repealer)
255	Special election (Special)	279	Issuance of emergency warrants (Special)
256	1930 budget (Special)	280	Sale of milk and cream (Repealed by 778)
257	Salary of street and water commissioner (Repealed by 278)	281	Keeping of cattle (Repealed by 596, 651)
258	Salary of librarian (Not codified)	282	Street vacation (Special)
259	Alley vacation (Special)	283	1935 tax levy (Special)
260	1931 tax levy (Special)	284	Amends § 3 of Ord. 178, duties of water collector (Repealed by 778)
261	Adds §§ 34 and 35 to, and amends § 28 of, Ord. 28, water rates; repeals Ords. 118, 154 and 168 (Repealed by 345)	285	Amends §§ 1 and 2 of Ord. 203, salaries of city treasurer and health officer (Not codified)
262	Amends § 4 of Ord. 203, salary of marshal and policemen (Not codified)	286	Amends § 2 of Ord. 216, salary of city attorney (Not codified)
263	Amends § 1 of Ord. 257, salary of street and water commissioner (Repealed by 278)	287	Amends § 1 of Ord. 246, salary of fire chief (Not codified)
264	Speed of railway trains; repeals Ord. 90 (Repealed by 778)	288	Licensing of bakeries (Repealed by 443)
265	1932 tax levy (Special)	289	Fireworks and pyrotechnic displays (Repealed by 578)
266	1933 tax levy (Special)	290	Licensing of dances where alcoholic beverages served (5.12)
267	Adds § 21 of Ord. 182½, intoxicating liquor (Repealed by 778)	291	Issuance of emergency warrants (Special)
268	Amends § 28 of Ord. 165, water rates (Repealed by 345)	292	1936 tax levy (Special)
269	Fermented malt or vinous liquor regulations (Repealed by 443)	293	Issuance of emergency warrants (Special)
270	Adds § 24 to, and amends §§ 4, 5, 8, 9, 10, 11 and 16 of, Ord. 269, fermented malt or vinous liquors (Repealed by 443)		



294	Issuance of emergency warrants (Special)	317	Vehicle parking regulations (Repealed by 347)
295	Issuance of emergency warrants (Special)	318	Street and alley vacation (Special)
296	Issuance of emergency warrants (Special)	319	Issuance of emergency warrants (Special)
297	Issuance of emergency warrants (Special)	320	Issuance of emergency warrants (Special)
298	Issuance of emergency warrants (Special)	321	Issuance of emergency warrants (Special)
299	Issuance of emergency warrants (Special)	322	1938 tax levy (Special)
300	Establishes fire limits (15.16)	323	(Number not used)
301	Construction, use and occupation of buildings (Repealed by 669)	324	Amends § 4 of Ord. 203, salary of marshal and policemen (Not codified)
302	Adopts building code (Repealed by 669)	325	Wage scale for labor employed by city (Repealed by 468)
303	Repeals Ords. 164, 185 and 226 (Repealer)	326	Amends § 3 of Ord. 178, duties of water collector (2.18)
304	Issuance of emergency warrants (Special)	327	Licensing of pinball machines (Repealed by 430, 431)
305	1937 tax levy and budget (Special)	328	Amends § 4 of Ord. 327, pinball machines (Repealed by 430, 431)
306	Amends § 3 of Ord. 178 and Ord. 284, duties of water collector (Repealed by 778)	329	Alley vacation (Special)
307	(Not sent)	330	Issuance of emergency warrants (Special)
308	Amends § 1 of Ord. 246, salary of fire chief (Repealed by 514)	331	Civil service commission (Repealed by 381)
309	Issuance of emergency warrants (Special)	332	(Number not used)
310	Grants right to construct telephone lines (Special)	333	Issuance of emergency warrants (Special)
311	Issuance of emergency warrants (Special)	334	Issuance of emergency warrants (Special)
312	Issuance of emergency warrants (Special)	335	Special bond election (Special)
313	Rate of interest on water fund and current fund warrants (Repealed by 359)	336	(Number not used)
314	Issuance of emergency warrants (Special)	337	Issuance of emergency warrants (Special)
315	Issuance of emergency warrants (Special)	338	Special bond election (Repealed by 355)
316	Amends § 3 of Ord. 288, bakery license (Repealed by 443)	339	Issuance of bonds (Special)
		340	Issuance of emergency warrants (Special)
		341	1939 tax levy (Special)
		342	Issuance of emergency warrants (Special)
		343	Amends § 1 of Ord. 216, salary of city treasurer (Not codified)

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344	Amends § 1 of Ord. 307, salary of city attorney (Not codified)	367	Issuance of bonds (Special)
345	Amends § 28 of Ord. 165, water rates; repeals Ords. 261 and 268 (Repealed by 804)	368	Blackouts during state of war (Repealed by 778)
346	Issuance of emergency warrants (Special)	369	(Not adopted)
347	Angle parking; repeals Ord. 317 (Repealed by 458)	370	Issuance of emergency warrants (Special)
348	Annexation (Special)	371	1943 tax levy and budget (Special)
349	Issuance of emergency warrants (Special)	372	Cumulative reserve fund for purchase of fire-fighting equipment (Repealed by 514)
350	Amends § 1 of Ord. 345, water rates (Repealed by 444)	373	(Not adopted)
351	1940 tax levy and budget (Special)	374	Salaries of mayor and councilmen (Not codified)
352	Issuance of emergency warrants (Special)	375	Salary of city treasurer (Not codified)
353	Issuance of emergency warrants (Special)	376	Amends § 3 of Ord. 178, duties of water collector (Repealed by 778)
354	Issuance of emergency warrants (Special)	377	Amends § 4 of Ord. 325, wage scale for labor employed by city (Repealed by 468)
355	Special bond election; repeals Ord. 338 (Special)	378	Amends § 5 of Ord. 203, salary of street and water commissioner (Not codified)
356	Issuance of emergency warrants (Special)	379	Amends § 1 of Ord. 181, police department (Repealed by 656, 778)
357	Special bond election (Special)	380	Admission tax (Repealed by 481)
358	1941 tax levy and budget (Special)	381	Repeals Ord. 331 (Repealer)
359	Rate of interest on warrants issued against city funds; repeals Ord. 313 (3.08)	382	Amends § 1 of Ord. 43, curfew for minors (Repealed by 778)
360	Issuance of emergency warrants (Special)	383	1944 tax levy and budget (Special)
361	1942 tax levy and budget (Special)	384	Amends § 3 of Ord. 178, water collector (Repealed by 778)
362	Amends § 1 of Ord. 181, police department (Repealed by 778)	385	Amends § 4 of Ord. 325, wage scale for labor employed by city (Repealed by 468)
363	Civil defense council; issuance of emergency warrants (Repealed by 778)	386	Amends § 5 of Ord. 203, salary of street and water commissioner (Not codified)
364	Amends § 3 of Ord. 178, duties of water collector (Repealed by 778)	387	Amends § 1 of Ord. 246, salary of fire chief (Repealed by 514)
365	Amends § 4 of Ord. 325, wage scale for labor employed by city (Repealed by 468)	388	Salary of police judge (Not codified)
366	Amends § 5 of Ord. 203, salary of street and water commissioner (Not codified)	389	Issuance of emergency warrants (Special)
		390	1945 tax levy and budget (Special)

391	Amends § 4 of Ord. 325, wage scale of labor employed by city (Repealed by 468)	412	Collection and disposal of garbage; repeals Ords. 392 and 402 (Repealed by 532)
392	Collection and disposal of garbage, refuse and dead animals (Repealed by 412, 532)	413	Adopts traffic code; repeals §§ 1, 5, 6, 8, 9, 12, 17, 18, 20, 21 and 22 of Ord. 230 and §§ 1, 2, 3, 5 and 9 of Ord. 249 (Repealed by 544)
393	Sanitary service collector (Repealed by 532)	414	Clerk of police court (Repealed by 778)
394	Issuance of emergency warrants (Special)	415	Amends §§ 1 and 6 of Ord. 345, water rates (Repealed by 444)
395	Construction of sidewalks, street crossings and parking strips (Repealed by 804)	416	Repeals § 4 of Ord. 302 (Repealed by 669)
396	Adds § 8 to, and amends § 4(a) of, Ord. 327, pinball machines (Repealed by 430, 431)	417	1948 tax levy and budget (Special)
397	Death and disability benefits for firemen (2.15)	418	(Not adopted)
398	Issuance of emergency warrants (Special)	419	(Not adopted)
399	Salary of city garbage supervisor (Repealed by 532)	420	(Not adopted)
400	Licensing operation of phonographs (Repealed by 430, 431)	421	(Not adopted)
401	1946 tax levy and budget (Special)	422	Amends § 5 of Ord. 203, salary of street and water commissioner (Not codified)
402	Amends § 11 of Ord. 392, refuse collection charges (Repealed by 412, 532)	423	Amends § 4 of Ord. 325, wage scale of labor employed by city (Repealed by 468)
403	Creates LID No. 24 (Special)	424	Annexation (Special)
404	Approves assessments of LID No. 24 (Special)	424A	Establishes street grade on First Street (Not codified)
405	Issuance of emergency warrants (Special)	425	1949 tax levy and budget (Special)
406	1947 tax levy and budget (Special)	426	Amends § 5 of Ord. 402, building code (Repealed 412, 532)
407	Petroleum fuel burning equipment and petroleum fuels (8.40)	427	(Not adopted)
408	Licensing of taxis (5.20)	428	Issuance of emergency warrants (Special)
409	Restricted traffic zones (Repealed by 778)	429	Issuance of emergency warrants (Special)
410	Issuance of emergency warrants (Special)	430	Licensing of coin-operated devices, music machines and punchboards; repeals Ords. 327, 328, 396, 400 and 411 (Repealed by 431)
411	Adds § 9 to, and amends § 3 of, Ord. 327, pinball machines (Repealed by 430, 431)	431	Licensing of coin-operated devices, music machines and punchboards; repeals Ords. 327, 328, 396, 400, 411 and 430 (Repealed by 449)
		432	Issuance of emergency warrants (Special)

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433	Place of council meetings (Repealed by 508)	454	Adds § 10 to Ord. 449, coin-operated devices, music machines and punchboards (Repealed by 491)
434	Adds §§ 26 and 27 to, and amends § 4 of, Ord. 413, traffic code (Repealed by 544)	455	Amends § 1 of Ord. 443, business licenses (Repealed by 494, 538)
435	Transfer of funds (Special)	456	One-hour stopping, standing or parking of vehicles (Repealed by 462)
436	Amends § 4 of Ord. 23, prevention of affrays (9.04, 9.12, 9.32)	457	Amends § 4 of Ord. 449, coin-operated devices, music machines and punchboards (Repealed by 491)
437	Discharge of oily or volatile substances into sewer system (Repealed by 506)	458	Angle parking; repeals Ord. 347 (10.12)
438	Transfer of funds (Special)	459	1951 tax levy and budget (Special)
439	(Not adopted)	460	Vehicles or other objects left on streets (Repealed by 978)
440	Transfer of funds (Special)	461	Alley vacation (Special)
441	Building permit fee (Repealed by 778)	462	Repeals Ord. 456 (Repealer)
442	Amends § 11 of Ord. 431, coin-operated machines, music machines and punchboards (Repealed by 449)	463	Adds § 14 to Ord. 380, admission tax (Repealed by 481)
443	Business license regulations; repeals Ords. 14, 15, 144, 151, 155, § 4 of Ord. 172, 177, 191, 204, 210, 211, 229, 269, 270, 271, 274, 288 and 316 (5.02)	464	Alley vacation (Special)
444	Water rates; repeals § 28 of Ord. 165, Ord. 209½, §§ 1 and 6 of Ord. 345, and Ords. 350 and 415 (Repealed by 804)	465	Street improvement (Vetoed)
445	Sewer connections and charges; repeals Ord. 65 (Repealed by 506)	466	Hours of clerk's office (Vetoed)
446	1950 tax levy and budget (Special)	467	Repeals Ord. 445 (Not passed)
447	Parking and stopping of vehicles; repeals § 1 of Ord. 434 (Repealed by 544)	468	Wage scale for labor employed by city; repeals Ords. 325, 365, 377, 385, 391 and 423 (Not codified)
448	Discharge of guns (9.36)	469	Sewer fund (Repealed by 506)
449	Coin-operated devices, music machines and punchboards; repeals Ords. 431 and 442 (Repealed by 885)	470	Police department wage scale; emergency warrants (Special)
450	Adds § 28 to Ord. 413, parking (Repealed by 540)	471	Social Security System (2.39)
451	Use of city hall and fire station No. 1 (2.18)	472	Fire truck fund (Repealed by 496)
452	Penalty for violation of ordinances (Repealed by 778)	473	Combines water and sewer systems (13.04)
453	Adds § 6 to Ord. 451, use of city hall and fire station No. 1 (2.18)	474	1952 tax levy and budget (Special)
		475	Smoking in councilroom of city hall (2.18)
		476	Removal of vegetation obstructing sidewalks or streets (12.16)
		477	Board of park commissioners (Repealed by 778)
		478	Alley vacation (Special)
		479	Speed limit on certain streets (Repealed by 702)
		480	Issuance of emergency warrants (Special)
		481	Repeals Ords. 380 and 463 (Repealer)

482	Amends §§ 1 and 2 of Ord. 472, cumulative reserve fund for purchase of fire trucks (Repealed by 496)	505	bonds (Special)
483	1953 tax levy and budget (Special)	506	Calling for newspaper publication bids (3.16)
484	Possession, use or transfer of intoxicating liquor (9.28)		Use of public and private sewers; repeals Ords. 65, 66, 67, 166, 184, 437, 445, 469 and 486 (13.08)
485	Cumulative reserve fund for sewage disposal plant (3.60)	507	1955 tax levy and budget (Special)
486	Adds §§ 9, 10, 11, 12 and 13 to, and amends § 2 of, Ord. 445, sewer service and connections; repeals §§ 2 and 3 of Ord. 66 (Repealed by 506)	508	Time and place of council meetings; repeals Ords. 218 and 433 (Repealed by 527)
487	Street vacation (Special)	509	Amends §§ 4 and 10 of Ord. 449, coin-operated devices, music machines and punchboards; repeals Ord. 498 (Repealed by 885)
488	Sidewalk construction and repair (12.04)		Acquisition of electrical distribution system in event of annexation of certain property (Special)
489	Obstructions on sidewalks, parking strips or curbs (12.08)	510	Emergency expenditure (Special)
490	Salary of city attorney (Not codified)		Transfer of funds; repeals Ord. 496 (Special)
491	Amends §§ 4 and 10 of Ord. 449, coin-operated devices, music machines and punchboards; repeals Ords. 454 and 457 (Repealed by 498)	511	1956 tax levy and budget (Special)
492	Sewer improvements (Repealed by 501)	512	Fire prevention regulations; repeals Ords. 109, 119, 148, 186, 308, 372 and 387 (8.24)
493	CATV franchise (Special)		Transfer of funds (Special)
494	Adds §§ 20, 21 and 22 to, and amends § 1 of, Ord. 443, business licenses; repeals Ord. 455 (5.02)	513	Transfer of funds (Special)
495	1954 tax levy and budget (Special)	514	Nuisances (8.12)
496	Amends §§ 1 and 2 of Ord. 472, cumulative reserve fund for purchase of fire trucks; repeals Ords. 472 and 482 (Repealed by 512)	515	Emergency expenditures (Special)
497	Television and radio antenna regulations (8.48)	516	Adds §§ 11 and 12 to Ord. 514, fire prevention (8.24)
498	Amends §§ 4 and 10 of Ord. 449, coin-operated devices, music machines and punchboards; repeals Ord. 491 (Repealed by 509)	517	Emergency expenditures (Special)
499	Street vacation (Special)	518	Puget Sound Power and Light Company franchise (Special)
500	Annexation (Special)	519	1957 tax levy and budget (Special)
501	Sewer improvements; repeals Ord. 492 (Special)	520	Puget Sound Power and Light Company franchise (Special)
502	Licensing and regulation of bicycles (Not codified)	521	Emergency expenditures (Special)
503	Cemetery board (Repealed by 558)	522	Time and place of council meetings; repeals Ord. 508 (Not adopted)
504	Issuance of water and sewer revenue	523	Amends § 2 of Ord. 444, water rates (Repealed by 566)
		524	Time and place of council meetings; repeals Ord. 508 (Repealed by 1015)
		525	Cemetery regulations; repeals Ord. 152 (Repealed by 557)
		526	
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529	Amends § 8 of Ord. 443, business licenses (Repealed by 615)	551	1960 tax levy and budget (Special)
530	1958 tax levy and budget (Special)	552	Budget (Special)
531	(Not sent)	553	(Void)
532	Collection and disposal of garbage; repeals Ords. 22, 117, 167, 227, 392, 393, 399, 402 and 412, 762 (8.08)	554	Emergency appropriation (Tabled)
533	Temporary registration facilities (Repealed by 778)	555	Establishes city wards; repeals Ord. 53 (Repealed by 612)
534	Emergency expenditures (Special)	556	Filling or obstruction of surface drains (13.24)
535	Amends § 10(2)(d) of Ord. 413, speed limit (Repealed by 544)	557	Cemetery regulations; repeals Ord. 528 (2.72)
536	Water system agreement with South Cle Elum(Special)	558	Cemetery regulations; repeals Ords. 503, 528 and 542 (2.48)
537	Adds § 20 to Ord. 443, shuffleboard and miniature bowling devices (Repealed by 538)	559	Emergency expenditures (Special)
538	Adds §§ 23 and 24 to Ord. 443, shuffleboard and miniature bowling devices; repeals Ords. 455 and 537 (Repealed by 571)	560	1961 tax levy and budget (Special)
539	1959 tax levy and budget (Special)	561	Cumulative reserve fund for swimming pool filter and improvements (3.64)
540	Adds §§ 28 and 29 to Ord. 413, parking; repeals Ord. 450 (Repealed by 702)	562	Emergency expenditures (Special)
541	Emergency expenditures (Special)	563	Purchase of grave care at lower rates (Not codified)
542	Amends § 3 of Ord. 528, cemeteries (Repealed by 558)	564	Prohibits certain kinds of grave coverings; repeals subsection 4 of § 5 of Ord. 558 (2.48)
543	License or occupation tax (Repealed by 775)	565	Building permit fees (Repealed by 778)
544	Adopts state motor vehicle and traffic provisions; repeals Ords. 33, 137, 153, 230, 247, 249, 413, 434, 447 and 535 (Repealed by 689)	566	Amends § 2 of Ord. 444, water rates; repeals Ord. 526 and § 5 of Ord. 536 (Repealed by 617)
545	Zoning (17.04, 17.08, 17.12, 17.16, 17.20, 17.28, 17.32, 17.36, 17.40, 17.44, 17.48, 17.56, 17.60)	567	Zones annexed property and rezones (Special)
546	Annexation (Special)	568	Fire prevention code (Repealed by 804)
547	Water and fire protection charges outside city limits (13.20)	569	Rezone (Special)
548	Rates of pay and work hours of city employees and officers (Repealed by 549)	570	Amends § 4 of Ord. 545, house trailers (Not passed)
549	Rates of pay and work hours of city employees and officers; repeals Ord. 548 (2.33)	571	Adds §§ 23 and 24 to Ord. 443, shuffleboard and miniature bowling devices; repeals Ord. 538 (5.02)
550	Transfer of moneys (Special)	571B	1962 tax levy and budget (Special)
		572	Transfer of funds (Special)
		573	Arterial street fund (3.40)
		574	Comprehensive street program (Special)
		575	Rezone (Special)

576	Fire truck cumulative reserve fund (3.52)	610	1967 tax levy and budget (Special)
577	Use of fire apparatus outside city limits (2.15)	611	Annexation (Special)
578	Sale and use of fireworks; repeals Ord. 289 (8.28)	612	Establishes city wards; repeals Ord. 555 (Repealed by 1024)
579	Transfer of funds (Special)	613	Excess tax levy for street improvement (Special)
580	Excess tax levy for street improvement (Special)	614	Amends § 5 of Ord. 612, city wards (Repealed by 1024)
581	Annexation (Special)	615	Closing hours for places of public entertainment; allowing sale of liquor; repeals § 8 of Ord. 443 and Ord. 529 (Repealed by 647)
582	1963 tax levy and budget (Special)	616	1968 tax levy and budget (Special)
583	Annexation (Special)	617	Amends § 2 of Ord. 444, water rates; repeals Ord. 566 (Repealed by 685)
584	Adds § 18 to, and amends § 10 of, Ord. 558, cemetery (2.48)	618	Amends § 20 of Ord. 532, garbage collection charges (Repealed by 686)
585	Transfer of funds (Special)	619	Amends § 7 of Ord. 506, sewer rates (Repealed by 687)
586	1964 tax levy and budget (Special)	620	Alley vacation (Repealed by 630)
587	Library fund (3.56)	621	Transfer of funds (Special)
588	Comprehensive street program (Special)	622	Alley vacation (Special)
589	Transfer of funds (Special)	623	Excess tax levy for street improvement (Special)
590	Transfer of funds (Special)	624	Sewer improvements (Special)
591	Renews CATV franchise (Special)	625	Water and sewer revenue bonds (Special)
592	1965 tax levy and budget (Special)	626	1969 tax levy and budget (Special)
593	Extends reduced-rate purchases of cemetery lots (Special)	627	Adds § 20 to Ord. 545, house trailers and mobilehomes (17.32)
594	Transfer of funds (Special)	628	Alley vacation (Special)
595	Transfer of funds (Special)	629	(Not adopted)
596	Regulation of animals and fowl; repeals Ords. 12, 13, 77, 107, 116, 122, 160, 182, 276 and 281 (Repealed by 651)	630	Repeals Ord. 620 (Repealer)
597	Transfer of funds (Special)	631	Rezone (Special)
598	Rezone (Special)	632	Water connection charge (Repealed by 715)
599	1966 tax levy and budget (Special)	633	Time and manner of fixing annual ad valorem taxes (3.24)
600	Street vacation (Special)	634	1970 tax levy (Special)
601	Transfer of funds (Special)	635	Employees retirement system (2.42)
602	Comprehensive street program (Special)	636	1970 budget (Special)
603	Finance committee (3.04)	637	Sewerage system franchise (Special)
604	Salary of street and water foreman and police chief (Repealed by 642)	638	Sign code (15.20)
605	Amends Ord. 596, leash for dogs and cats (Repealed by 657)	639	Transfer of funds (Special)
606	Transfer of funds (Special)	640	1971 tax levy (Special)
607	Street vacation (Special)	641	1971 budget (Special)
608	Rezone (Special)		
609	Sidewalk displays and advertising (17.36)		

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642	Overtime salary of street and water foreman and police chief; repeals Ord. 604 (2.36)	670	Adopts plumbing code (Repealed by 690)
643	Regulations for airport property (2.51)	671	(Not adopted)
644	Emergency expenditures (Special)	672	1974 tax levy (Special)
645	Street vacation (Special)	673	Emergency expenditure (Special)
646	Designates one-way alley (Not codified)	674	Transfer of funds (Special)
647	Closing hours for places of public entertainment; allowing sale of liquor; repeals Ord. 615 (5.04)	675	1974 budget (Special)
648	Adds § 17 to Ord. 638, sign code (15.20)	676	Transfer of funds (Special)
649	Street vacation (Special)	677	(Not adopted)
650	Loading and unloading zone (Repealed by 1081)	678	Emergency expenditure (Special)
651	Regulation of animals and fowl; repeals Ords. 12, 13, 77, 107, 116, 122, 160, 182, 276, 281, 596 and 605 (6.04)	679	Emergency expenditure (Special)
652	Bingo games, raffles and amusement games (Repealed by 778)	680	1975 tax levy (Special)
653	Emergency expenditures (Special)	681	Transfer of funds (Special)
654	1972 tax levy (Special)	682	Alley vacation (Special)
655	Snowmobile regulations (10.20)	683	Renews CATV franchise (Repealed by 768)
656	Civil service; repeals Ord. 379 (2.24, 2.27)	684	Equal opportunity employment (2.21)
657	Parking to facilitate snowplowing (10.12)	684A	1975 budget (Special)
658	1972 budget (Special)	685	Amends § 2 of Ord. 444, water rates; repeals Ord. 617 (Repealed by 740)
659	Angle parking on Second Street (10.12)	686	Amends § 20 of Ord. 532, garbage collection charges; repeals Ord. 618 (Repealed by 710)
660	(Not adopted)	687	Amends § 7 of Ord. 506, sewer rates; repeals Ord. 619 (Repealed by 714, 741)
661	Payment of salary to city clerk during illness (Special)	688	(Not adopted)
662	1973 tax levy (Special)	689	Adopts state motor vehicle and traffic provisions; repeals Ord. 544 (Repealed by 766)
663	Emergency expenditures (Special)	690	Adopts building, mechanical, fire and plumbing codes and standards for making buildings accessible to handicapped persons; repeals Ords. 669 and 670 (Repealed by 1229)
664	Charge for turning on water (Repealed by 804)	691	Contractors' bonds (15.12)
665	1973 budget (Special)	692	Payroll periods (3.12)
666	Federal shared revenue fund (3.48)	693	Audit of demands against city (3.20)
667	(Not adopted)	694	Screening or fencing of junkyards (8.20)
668	Carpenter memorial library fund (Special)	695	Transfer of funds (Special)
669	Adopts mechanical, housing, dangerous buildings and dwelling house codes; repeals Ords. 21, 301, 302 and 416 (Repealed by 690)	696	Transfer of funds (Special)
		697	1976 tax levy (Special)



698	Transfer of funds (Special)	724	1977 budget (Special)
699	Designates loading and unloading zone (10.16)	725	Street and alley vacation (Special)
700	(Not adopted)	726	1978 tax levy (Special)
701	1976 budget (Special)	727	1978 budget (Special)
702	Speed limits and parking; repeals Ords. 479, 540 and § 5 of Ord. 689 (10.08)	728	Waterworks improvements (Special)
703	Amends § 8 of Ord. 408, §§ 1 and 3 of Ord. 443, § 3 of Ord. 689, § 4 of Ord. 543, business licenses (5.02, 5.20)	729	Transfer of funds (Special)
704	Rezone (Special)	730	Transfer of funds (Special)
705	Emergency expenditure (Special)	731	Theft (9.20)
706	Emergency expenditure (Special)	732	Street vacation (Special)
707	Deletes imprisonment as penalty for ordinance violation (Not codified)	733	Alley vacation (Special)
708	1976 budget (Special)	734	(Not adopted)
709	Street and alley vacation (Special)	735	(Not adopted)
710	Amends § 20 of Ord. 532; garbage collection charge; repeals Ord. 686 (Repealed by 742)	736	Street vacation (Special)
711	Tax upon occupying or using publicly owned real property (3.28)	737	Annexation (Special)
712	Amends paragraph 1 of § 20 of Ord. 545, building and use permit fee (Repealed by 782)	738	Trespass and vehicle prowling (9.24)
713	1977 tax levy (Special)	739	1979 tax levy (Special)
714	Amends § 7 of Ord. 506, sewer rates; repeals Ord. 687 (13.08)	740	Amends § 2 of Ord. 444, water rates; repeals Ord. 685 (Repealed by 753)
715	Water connection charge; repeals Ord. 632 (Repealed by 804)	741	Amends § 7 of Ord. 506, sewer rates; repeals Ord. 687 (Repealed by 754)
716	Amends § 10 of Ord. 558, cemetery charges; repeals § 1 of Ord. 584 (Repealed by 758)	742	Amends § 20 of Ord. 532, garbage collection charges; repeals Ord. 710 (Repealed by 760)
717	1977 budget (Special)	743	1979 budget (Special)
718	Amends § 11 of Ord. 651, charges for dog licensing and redemption of impounded animals (6.04)	744	Transfer of funds (Special)
719	Alley vacation (Special)	745	Transfer of funds (Special)
720	Antirecession fiscal assistance fund (3.36)	746	Street vacation (Special)
721	Carpenter memorial library construction fund (3.44)	747	Amends 1979 budget (Special)
722	Street and alley vacation (Special)	748	Rezone (Special)
723	Reinstates imprisonment as penalty for ordinance violation (Not codified)	749	Street vacation (Special)
		750	Amends 1979 budget (Special)
		751	1980 tax levy (Special)
		752	Amends 1979 budget (Special)
		753	Amends § 2 of Ord. 444, water rates; repeals Ord. 740 (Repealed by 776)
		754	Amends § 7 of Ord. 506, sewer rates; repeals Ord. 741 (13.08)
		755	1980 budget (Special)
		756	Amends 1979 budget (Special)
		757	Amends 1979 budget (Special)
		758	Amends § 10 of Ord. 558, cemetery charges; repeals Ord. 716, 758 (2.48)
		759	Flood damage prevention plan (Repealed by 865)

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760	Amends § 20 of Ord. 532, garbage collection charges; repeals Ord. 742 (Repealed by 762)	782	Amends § XX(1) of Ord. 545; repeals Ord. 712; building and use permits (17.32)
761	Street vacation (Special)	783	Amends § 3 of Ord. 651; fees; repeals § 1 of Ord. 718 (6.04)
762	Amends § 20 of Ord. 532, garbage collection charges; repeals Ord. 760 (Repealed by 779)	784	Amends §§ 1 and 3 of Ord. 443, business tax (5.08)
763	1981 tax levy (Special)	785	1982 budget (Special)
764	Rezone (Special)	786	Amends 1981 budget (Special)
765	1981 budget (Special)	787	Repeals Ord. 777 (Repealer)
766	Adopts Washington Model Traffic Ordinance; repeals Ord. 689 (Repealed by 1006)	788	General provisions (1.04)
767	Amends 1980 budget (Special)	789	General penalties (1.16)
768	Cable television franchise; repeals Ord. 683 (Special)	790	Amends §§ 1 and 2 of Ord. 766, traffic (10.04)
769	Street vacation (Special)	791	Rezone (Special)
770	Room tax, tourist support fund (3.68)	792	1983 tax levy (Special)
771	(Did not pass)	793	Adopts code; adopts Ords. 791 and 792 (1.01)
772	Amends Ord. 765, 1981 budget (Special)	794	Amends § 8.08.210; repeals Ord. 779, garbage collection charges (8.08)
773	Amends 1981 budget (Special)	795	Adopts 1983 budget (Special)
774	1982 tax levy (Special)	796	Adds §§ 3.66.010 and 3.66.020, sales and use tax (3.66)
775	Business and occupation tax; repeals Ord. 543 (5.04)	797	Amends § 13.08.370, repeals Ord. 780, sewer rates (Repealed by 811)
776	Waterworks system; repeals Ord. 165 and 753 (12.14)	798	Adds § 13.12.100; repeals § 13 of Ord. 776, water rates (Repealed by 810)
777	(Repealed by 787)	799	Authorizes city to participate in Kittitas County Emergency Management Council (Special)
778	Repeals Ords. 1, 3, 4, 5, 10, 16, 19, 20, 26, 28, 30, 43, 49, 50, 56, 58, 59, 62, 70, 102, 106, 108, 115, 125, 126, 128, 145, 149, 155, 156, 174, 175, 178, 181, 182-½, 195, 217, 220, 228, 233, 234, 264, 267, 273, 280, 362, 363, 368, 379, 382, 409, 414, 441, 452, 477, 533, 565, and 652 (Repealer)	800	Water and sewer bonds (Special)
779	Amends § 20 of Ord. 532, garbage collection charges; repeals Ord. 762 (Repealed by 794)	801	Amends 1982 budget (Special)
780	Amends § 7 of Ord. 506, sewer rates; repeals Ord. 754 (Repealed by 797)	802	Establishes swimming pool maintenance and operation fund (3.64)
781	Amends § X of Ord. 558; repeals Ord. 758; cemetery charges (Repealed by 833)	803	Street vacation (Special)
		804	Repeals Ords. 120, 345, 395, 444, 568, 664 and 715 (Repealer)
		805	1984 tax levy (Special)
		806	Amends 1983 budget (Special)
		807	Adopts 1984 budget (Special)
		808	Amends 1983 budget (Special)
		809	Amends § 8.08.210 until August 31, 1984 (Special)
		810	Amends § 13.12.100, water rates; repeals Ord. 794 (Repealed by 831)

# ORDINANCE LIST

811	Amends § 13.08.370, sewerage rates; repeals Ord. 797 (Repealed by 816, 830)	833	Amends §§ 2.48.320 and 2.48.480, cemetery charges; repeals Ord. 781 (2.48)
812	Amends § 5.04.040, utility tax; repeals Section 3 of Ord. 775 (5.04)	834	Amends § 3.68.040, tourist support fund (3.68)
813	Amends § 11 of Ord. 768, cable television (Special)	835	1985 budget (Special)
814	Amends 1984 budget (Special)	836	Amends 1985 budget (Special)
815	(Did not pass)	837	Amends § 5.02.040, business license fee (5.02)
816	Amends § 13.08.370, sewerage service outside city limits; repeals Ord. 811 (13.08)	838	1986 tax levy (Special)
817	Alley vacation (Special)	839	Amends 1985 budget (Special)
818	Transfer of CATV system rights (Special)	840	Adds Ch. 15.06, dangerous buildings (15.06)
819	Adds Ch. 2.53, municipal court; amends § 1.16.010, general penalty (1.16, 2.53)	841	Amends § 13.12.100; repeals Ord. 831, water rates and charges (Repealed by 906)
820	Amends § 15.04.020, uniform building codes adopted (Repealed by 1229)	842	(Did not pass)
821	Swimming pool board (2.55)	843	Adopts 1986 budget (Special)
822	Amends §§ 6.04.020, 6.04.030, 6.04.050, 6.04.100, 6.04.110, 6.04.120, 6.04.140, 6.04.160 and 6.04.190, animals and fowl (6.04)	844	Amends § 5.02.040, business license fee (5.02)
823	Amends Ch. 10.12, parking (10.12)	845	Amends § 13.08.370, sewer connection charges (13.08)
824	Adopts State Environmental Policy Act (Repealed by 1085)	846	Adds subsection F to § 13.12.100, water rates and charges (13.12)
825	Street vacation (Special)	847	Imposes water and sewer utility tax (3.72)
826	Amends § 8.08.210, garbage collection charges (Expired)	848	Amends 1985 budget (Special)
827	1985 tax levy (Special)	849	Street vacation (Special)
828	Amends § 10.12.050, parking (10.12)	850	Amends § 10.08.010(A), speed limit (Repealed by 952)
829	Amends § 8.08.210, garbage collection charges (8.08)	851	Real estate excise tax (3.76)
830	Amends § 13.08.370, sewerage service outside city limits; repeals Ord. 811 (Repealed by 907)	852	Budget amendment (Special)
831	Amends § 13.12.100, water rates and charges; repeals Ord. 810 (Repealed by 841)	853	Utility pole interference (12.24)
832	Adds § 8.08.061, solid waste collection (8.08)	854	1987 tax levy (Special)
		855	Adds §§ 15.20.150, 15.20.160 and 15.20.170; amends § 15.20.210; rennumbers existing § 15.20.150 to § 15.20.180, § 15.20.160 to § 15.20.190, § 15.20.170 to § 15.20.200 and § 15.20.180 to § 15.20.210, signs (15.20)
		856	Rezone (Special)
		857	Redeems cemetery-fund warrants (Special)

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858	Amends 1986 budget (Special)	888	Annexation (Special)
859	Amends § 8.08.210, garbage (Repealed by 882)	889	Adds §§ 15.24.145 and 15.24.155; amends §§ 15.24.040 and 15.24.160, flood hazard prevention (15.24)
860	1987 budget (Special)	890	Rezone (Special)
861	Delays effective date of Ord. 855, signs (Not codified)	891	Tax levy (Special)
862	Safety belt use (10.24)	892	Adopts 1989 budget (Special)
863	Franchise (Special)	893	Annexation (Special)
864	CATV franchise approval (Special)	894	Confidential investigative fund (Repealed by 954)
865	Flood hazard prevention; repeals Ord. 759 (15.24)	895	Amends § 3.68.040(C), tourist support fund (3.68)
866	Adds §§ 15.20.035, 15.20.175 and 15.20.177; amends §§ 15.20.030 and 15.20.150, sign code (15.20)	896	Adds Chs. 3.78, substance abuse prevention fund and 9.01, substance abuse (3.78, 9.01)
867	Compression brakes prohibition (10.24)	897	(Not passed)
868	Street vacation (Special)	898	Claims/payroll clearing fund (3.88)
869	Rezone (Special)	899	Annexation (Special)
870	Emergency appropriation (Special)	900	Adds § 5.2-4 to Ord. 865, flood hazard protection (15.24)
871	Street vacation (Special)	901	Adds §§ 17.32.110—17.32.130; amends §§ 17.32.010, 17.32.020, 17.32.040—17.32.090, house trailers and mobile homes (17.32)
872	Amends § 5.04.040, utility occupation tax (5.04)	902	Street vacation (Special)
873	1988 tax levy (Special)	903	Tax levy (Special)
874	Athletic field rehabilitation fund (3.80)	904	Budget amendment (Special)
875	Rezone (Special)	905	Adopts 1990 budget (Special)
876	Street vacation (Special)	906	Amends § 13.12.100; repeals Ords. 841 and 878, water rates (13.12)
877	Amends 1987 budget (Special)	907	Amends § 13.08.370; repeals Ords. 830 and 879, sewer rates (Repealed by 928)
878	Amends § 13.12.100, water regulations (Repealed by 906)	908	Appointment of city treasurer (2.06)
879	Amends § 13.08.370, sewer rates (Repealed by 907)	909	Amends § 13.12.100, water regulations (13.12)
880	Adopts 1988 budget (Special)	910	Amends § 13.08.370, sewer regulations (13.08)
881	Amends 1987 budget (Special)	911	Adds Title 16, subdivisions (Repealed by 1235)
882	Amends § 8.08.210, garbage collection; repeals Ord. 859 (Repealed by 929)	912	Amends § 10.12.040, parking (10.12)
883	Amends §§ 5.08.010, 5.08.030, 5.08.070 and 5.08.080, coin-operated devices (Repealed by 885)	913	Amends § 15.04.040, building code (Repealed by 1229)
884	Loan of funds (Special)	914	Rezone (Special)
885	Adds § 5.02.131; amends §§ 5.02.130, 5.02.150; repeals Ch. 5.08, business licenses (5.02)	915	Alley vacation (Special)
886	Amends § 15.04.020(B), building code (Repealed by 1229)	916	Alley vacation (Special)
887	Adds §§ 6.04.081—6.04.089, animals and fowl (6.04)		

917	Rezone (Special)	948	Tax levies (Special)
918	Property annexation (Special)	949	Amends budget funds (Special)
919	Creates water rehabilitation fund (3.92)	950	Amends § 8.08.210, garbage collection; repeals Ord. 929 (8.08)
920	Rezone (Special)	951	Budget adoption (Special)
921	Provides for numbering of houses and business places (Special)	952	Amends § 10.08.010, speed limits; repeals Ord. 850 (10.08)
922	Divides the water-sewer fund into separate budget funds known as the water fund and sewer fund (13.04)	953	Amends 1991 budget (Special)
923	1990 budget amendment (Special)	954	Repeals Ord. 894 (Repealer)
924	Tax levy (Special)	955	Amends § 13.08.370, sewerage service; repeals Ord. 928 (Repealed by 1000)
925	Creates police department equipment reserve fund (3.96)	956	Street lighting (Repealed by 1164)
926	1990 budget amendment (Special)	957	Adds Ch. 12.01, excavations in streets, sidewalks and public ways (12.01)
927	Amends § 13.12.100, water rates and charges (Repealed by 999)	958	Repeals §§ 2.48.490—2.48.540, cemetery improvement fund (Repealer)
928	Amends § 13.08.370, sewer rates and charges; repeals Ord. 907 (Repealed by 955)	959	Amends § 8.08.130, garbage cans (8.08)
929	Amends § 8.08.210, garbage collection; repeals Ord. 882 (Repealed by 950)	960	Registration system for bonds and obligations (3.30)
930	Adopts 1991 budget (Special)	961	Waterwork utility improvements (Special)
931	Amends § 6.04.020, regulation of animals and fowl (6.04)	962	Adds § 17.16.030(M), zoning (17.16)
932	Combines water fund and sewer fund into water-sewer fund (13.04)	963	Repeals § 17.16.010(D), zoning (17.16)
933	Amends 1991 budget (Special)	964	Repeals Ch. 5.16, secondhand dealers (Repealer)
934	Amends § 10.08.010, speed limits (10.08)	965	Adds Ch. 5.16, pawnbrokers and secondhand dealers (5.16)
935	Amends § 17.44.010, zoning (17.44)	966	1992 budget (Special)
936	Amends §§ 16.28.010 and 16.28.020, subdivisions (Repealed by 1235)	967	Adds § 6.04.010(D) and rennumbers (D)—(H) to be (E)—(H); adds language to § 6.04.020; amends § 6.04.040, exotic animals (6.04)
937	Budget amendment (Special)	968	Discharge of fireworks (Repealed by 1007)
938	Adds § 13.12.016, water system (13.12)	969	1992 budget (Special)
939	Annexation (Special)	970	Amends Ord. 931, license and tag availability (6.04)
940	Annexation (Special)	971	Amends § 15.04.020, building code (Repealed by 1229)
941	Alley vacation (Special)	972	Annexation (Special)
942	Repeals and replaces Ch. 17.24, zoning (17.24)	973	Annexation (Special)
943	Swimming pool construction fund (3.62)	974	(Not passed)
944	Payroll periods (3.12)	975	Water reinstitution charge (13.12)
945	Amends budget funds (Special)	976	Amends 1992 budget (Special)
946	Amends § 13.12.090, water use (Not passed)	977	Amends 1992 budget (Special)
947	Funds transfer (Special)		

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978	Repeals and replaces Ch. 8.16, abandoned vehicles (8.16)	1007	Adds §§ 8.28.005, 8.28.130 and 8.28.140; amends § 8.28.010; repeals and replaces § 8.28.120; repeals § 8.28.050 and 8.28.080, fireworks (8.28)
979	Tax levy for 1993 (Special)	1008	Amends § 10.12.060, parking (10.12)
980	Amends portions of Ord. 961, waterworks bonds (Special)	1009	Exempts city from state prohibition on carrying of firearms (9.40)
981	Amends §§ 3 and 4 of Ord. 980, sewer bonds (Special)	1010	Amends 1994 budget (Special)
982	Amends § 8.08.210, garbage service charges; repeals Ord. 929 (Repealed by 987)	1011	Appointment of city clerk (2.10)
983	1992 budget (Special)	1012	Tax levy (Special)
984	1993 budget (Special)	1013	Amends 1994 budget (Special)
985	Rezone (Special)	1014	Adopts 1995 budget (Special)
986	1992 budget (Special)	1015	Amends § 2.03.010, city council meetings; repeals Ord. 527 (2.03)
987	Amends § 8.08.210 and repeals Ord. 982, garbage service charges (Repealed by 997)	1016	Amends 1994 budget (Special)
988	Drug abuse resistance education fund (3.46)	1017	Amends § 13.12.100, water rates; repeals Ord. 999 (Repealed by 1058)
989	Amends 1993 budget (Special)	1018	Amends § 13.08.370, sewerage service rates and charges; repeals Ord. 1000 (Repealed by 1059)
990	Fireman Park improvement fund (3.98)	1019	Amends Ord. 1004, water/sewer reserve fund (3.94)
991	Amends 1993 budget (Special)	1020	Amends § 13.28.040, street lighting rates (13.28)
992	Amends 1993 budget (Special)	1021	Adds Ch. 12.14, snow and ice (12.14)
993	(Not passed)	1022	Curfew (9.30)
994	Tax levy (Special)	1023	Street trees (12.28)
995	Amends 1993 budget (Special)	1024	Repeals Ch. 1.12, wards (Repealer)
996	Amends 1993 budget (Special)	1025	Classifies State Route 903 as Class R-C access control facility (Special)
997	Amends § 8.08.210; repeals Ord. 987, garbage collection (Repealed by 1065)	1026	Amends 1995 budget (Special)
998	1994 budget (Special)	1027	Excludes chief of police from provisions of civil service (Not codified)
999	Amends § 13.12.100; repeals Ord. 927, water regulations (Repealed by 1017)	1028	(Not passed)
1000	Amends § 13.08.370; repeals Ord. 955, sewer regulations (Repealed by 1018)	1029	Amends 1995 budget (Special)
1001	Amends § 13.28.040, street lighting (Repealed by 1020)	1030	(Not passed)
1002	Amends § 15.28.030, designation of responsible official (Repealed by 1085)	1031	Rezone (Special)
1003	Establishes cumulative reserve fund for the purchase of police vehicles (3.90)	1032	Amends § 3.52.010, fire truck cumulative reserve fund (3.52)
1004	Establishes water/sewer reserve fund (3.94)	1033	1996 tax levies (Special)
1005	Amends 1994 budget (Special)	1034	Street vacation (Special)
1006	Adopts state model traffic ordinance; repeals Ord. 766 (10.04)	1035	Amends 1995 budget (Special)
		1036	Amends 1995 budget (Special)
		1037	Adopts 1996 budget (Special)
		1038	Amends 1996 budget (Special)

1039	Critical areas development (18.01)	1072	Tap-in restrictions for floodplain properties (Not codified)
1040	Street vacation (Special)	1073	Alley vacation (Special)
1041	Annexation (Special)	1074	(Not passed)
1042	Appointment of court commissioners to municipal court (2.53)	1075	Drug enforcement fund (3.102)
1043	Creates Coal Mine Trail fund (3.100)	1076	Amends 1998 budget (Special)
1044	Amends 1996 budget (Special)	1077	Amends 1998 budget (Special)
1045	Annexation (Special)	1078	Amends 1998 budget (Special)
1046	Amends § 9.30.030 and § 1.03 of Ord. 1022, unsupervised children in public areas (9.30)	1079	Tax levy (Special)
1047	Tax levy (Special)	1080	Adopts 1999 budget (Special)
1048	1997 budget (Special)	1081	Amends §§ 10.12.010 and 10.12.060 and repeals § 10.16.010, vehicles and traffic (10.12)
1049	Binding site plan (Special)	1082	Appropriation of funds (Special)
1050	Amends 1996 budget (Special)	1083	Amends § 8.08.210, garbage collection; repeals Ord. 1065 (8.08)
1051	Amends 1996 budget (Special)	1084	Amends § 10.20.040, snowmobiles (10.20)
1052	Appointment of city attorney (2.08)	1085	Repeals and replaces Ch. 15.28, environmental policy (15.28)
1053	Adds Ch. 8.13, false alarms (8.13)	1086	Street vacation (Special)
1054	Repeals § 11 of Ord. 558 (Not codified)	1087	Repeals and replaces §§ 13.20.020 and 13.20.030, water connection (13.20)
1055	Amends § 2.48.040; repeals § 2 of Ord. 833, cemetery charges (2.48)	1088	Creates interim water filtration upsizing project fund (Not codified)
1056	1997—1998 water system improvements (Not codified)	1089	(Not passed)
1057	Adopts comprehensive plan by reference (Not codified)	1090	Amends § 12.28.130, street trees (12.28)
1058	Amends § 13.12.100, water rates; repeals Ord. 1017 (Repealed by 1105)	1091	Creates interim sewer capacity improvements design fund (Not codified)
1059	Amends § 13.08.370, sewer rates; repeals Ord. 1018 (Repealed by 1106)	1092	Adds Ch. 9.44, violation of domestic violation orders (9.44)
1060	Amends § 2.48.480, cemetery charges (2.48)	1093	Adds Ch. 9.48, violation of no-harassment orders (9.48)
1061	1997 budget (Special)	1094	Adds Ch. 9.52, violation of civil anti-harassment protection orders (9.52)
1062	Amends § 10.12.070, parking (10.12)	1095	Adds Ch. 9.56, violation of no-contact orders (9.56)
1063	Amends § 8.13.020, false alarms (8.13)	1096	Adds Ch. 9.60, interference with reporting of domestic violation (9.60)
1064	1997 budget (Special)	1097	Adds Ch. 9.64, possession of marijuana (9.64)
1065	Amends § 8.08.210, garbage rates; repeals Ord. 997 (Repealed by 1083)	1098	Adds Ch. 9.68, possession of drug paraphernalia (9.68)
1066	1998 budget (Special)		
1067	Annexation (Special)		
1068	Preliminary plat approval (Special)		
1069	Tax levy (Special)		
1070	Water and sewer revenue bond (Special)		
1071	Tap-in restrictions for wetland properties (Not codified)		

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1099	Adds Ch. 9.72, carrying pistol without permit (9.72)	1125	Amends §§ 15.04.020, 15.04.040 and 15.20.020, building code, sign code (15.20)
1100	Adds Ch. 9.80, reckless endangerment (9.80)	1126	Amends Ord. 1067, annexation (Special)
1101	Adds Ch. 9.84, minors in possession of liquor (9.84)	1127	Rezone (Special)
1102	2000 tax levy (Special)	1128	Amends § 13.28.040, street light rates (13.28)
1103	Alley vacation (Special)	1129	Amends 2000 budget (Special)
1104	1999 budget amendment (Special)	1130	Tax levy (Special)
1105	Amends § 13.12.100, water rates; repeals Ord. 1058 (Repealed by 1188)	1131	Water, sewer and garbage rates, cemetery fees, animal tags and community development fees (Special)
1106	Amends § 13.08.370, sewer rates; repeals Ord. 1059 (Repealed by 1189)	1132	Adopts fiscal year 2001 budget (Special)
1107	Amends § 8.08.210, garbage (8.08)	1133	Adds Ch. 12.02, telecommunications, cable—right-of-way permits (12.02)
1108	Amends § 2.48.480, cemetery fees (2.48)	1134	Vacation of right-of-way (Special)
1109	Amends § 6.04.020, dogs (6.04)	1135	Amends 2001 budget (Special)
1110	Adds Ch. 16.48, community development rates, fees, charges; amends §§ 15.28.150(A) and 16.44.070, fees; repeals §§ 16.16.090 and 16.16.100 (Repealed by 1235)	1136	Amends § 15.20.030, purpose of sign code (15.20)
1111	2000 budget (Special)	1137	Amends § 15.28.250, environmental policy (15.28)
1112	(Did not pass)	1138	Adds Ch. 2.60, hearings examiner (2.60)
1113	Amends § 2.03.010, city council (2.03)	1139	Adds Ch. 17.100; repeals §§ 17.04.030, 17.04.050, and Ch. 17.52, zoning (17.100)
1114	Creates 2000 bullfrog UGA professional, staff and consultant services fund (Not codified)	1140	Amends §§ 13.10.040 and 13.10.080, sewer connections and charges (13.10)
1115	Adopts comprehensive plan by reference (Not codified)	1141	Annexation (Special)
1116	Amends § 15.20.200, sign variances (15.20)	1142	Amends comprehensive plan (Not codified)
1117	(Not passed)	1143	Amends § 3.68.010, room tax (3.68)
1118	Amends Ord. 1070, extends maturity of water and sewer revenue bond (Special)	1144	Funds transfer (Special)
1119	Bond issuance (Special)	1145	Annexation (Special)
1120	Annexation (Special)	1146	Adds §§ 12.14.030 and 12.14.040, snow and ice (12.14)
1121	Amends 2000 budget (Special)	1147	Adds Ch. 17.140, development agreements (17.140)
1122	Adds § 13.12.110 [13.12.115]; amends § 13.12.080, collection of water charges, relief from bill (13.12)	1148	Amends 2001 budget (Special)
1123	Amends 2000 budget (Special)	1149	Rezone (Special)
1124	Adds Ch. 13.10; amends §§ 13.08.160 and 13.08.370; repeals §§ 13.08.150 and 13.08.380, sewer connections and charges (13.08, 13.10)	1150	Annexation (Special)
		1151	Amends §§ 13.10.040 and 13.10.080, sewer connections and charges (13.10)
		1152	Amends §§ 8.44.010—8.44.030, camping within city limits (8.44)



1153	Amends § 17.100.130, project permit procedures (17.100)	1175	Amends Ch. 3.52, §§ 3.52.010 and 3.52.020, fire truck department automotive apparatus cumulative reserve fund (3.52)
1154	Amends 2001 budget (Special)	1176	Adds Ch. 2.11, airport administrator (2.11)
1155	Amends §§ 13.08.050 and 13.08.090—13.08.110; repeals §§ 13.08.060—13.08.080, sewer regulations (13.08)	1177	Adds Ch. 13.32, utility reimbursement agreements (13.32)
1156	Amends 2001 budget (Special)	1178	Tax levy (Special)
1157	Annexation (Special)	1179	Tortuous conduct (Special)
1158	Amends § 13.12.115, water regulations (13.12)	1180	Adds Ch. 17.45, PMU district (17.45)
1159	Amends § 15.28.250; repeals §§ 15.28.330—15.28.390 and 15.28.405—15.28.420; rennumbers § 15.28.450 as § 15.28.245, environmental policy (15.28)	1181	Adds Ch. 13.14, water supply system capital reimbursement charge (13.14)
1160	Tax levy (Special)	1182	Franchise to Falcon video communications (Special)
1161	Amends 2001 budget (Special)	1183	Interfund loan (Special)
1162	Adopts 2002 budget (Special)	1184	Tax levy (Special)
1163	Amends Title 17, zoning (17.04, 17.08, 17.12, 17.16, 17.20, 17.24, 17.28, 17.32, 17.34, 17.36, 17.50, 17.56, 17.64, 17.76, 17.80, 17.85, 17.90, 17.100, 17.110, 17.115, 17.120, 17.125, 17.130)	1185	Adds § 15.24.040(T); amends §§ 15.24.040(F), 15.24.120, 15.24.130, 15.24.150 and 15.24.170, flood hazard prevention (15.24)
1164	Repeals Ch. 13.28, street lighting (Repealer)	1186	Adopts the sewage facilities plan (Not codified)
1165	Creates water/sewer budget vehicle acquisition reserve fund (Not codified)	1187	Adopts 2003 budget (Special)
1166	Creates street budget vehicle acquisition reserve fund (Not codified)	1188	Amends § 13.12.100, water rates; repeals Ord. 1105 (13.12)
1167	Creates hotel/motel land acquisition reserve fund (Not codified)	1189	Amends § 13.08.370, sewer rates; repeals Ord. 1106 (13.08)
1168	Adds §§ 13.08.055 and 13.08.100; amends § 13.08.050, sewer regulations (13.08)	1190	Street and alley vacating (Special)
1169	Amends Ord. 1072, tap-in restrictions for floodplain properties (Not codified)	1191	Amends § 17.36.020, planning and zoning (17.36)
1170	Annexation (Special)	1192	Adds Title 2.07, city administrator (2.07)
1171	Amends 2002 budget (Special)	1193	Adds Ch. 8.60, code enforcement (Repealed by 1255)
1172	Amends 2002 budget (Special)	1194	Street vacating (Special)
1173	Annexation (Special)	1195	Amends 2003 budget (Special)
1174	Annexation (Special)	1196	Annexation (Special)
		1197	Issuance and sale of limited tax general obligation bonds (Special)
		1198	Amends Ch. 15.20, sign code (15.20)
		1199	Repeals and reenacts Ch. 8.16, vehicle hulks (8.16)
		1200	Adds Ch. 3.26, gambling and taxation thereof (3.26)

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1201	Tax levy (Special)	1226	Amends comprehensive plan and zoning map (Special)
1202	Amends § 13.12.100, water rates (13.12)	1227	Adds Ch. 10.28, motorized foot scooters (10.28)
1203	Amends §§ 3.72.010, 3.72.020 and 3.72.030, water and sewer utility tax; repeals Ord. 847 (3.72)	1228	Establishes docketing deadline (Special)
1204	Adds Chs. 3.104, 3.106 and 3.108; amends § 3.94.010; repeals Chs. 3.46 and 3.62, city funds (3.46, 3.62, 3.94, 3.104, 3.106, 3.108)	1229	Adds Ch. 15.22; repeals and replaces Ch. 15.04, buildings and construction (15.04, 15.22)
1205	Amends 2003 budget (Special)	1230	Rezone (Special)
1206	Adopts 2004 budget (Special)	1231	Amends 2005 budget (Special)
1207	Amends § 8.08.210, garbage collection (8.08)	1232	Amends §§ 13.10.040 and 13.10.080, sewer system connection charges (13.10)
1208	Amends 2004 budget (Special)	1233	Amends comprehensive plan and zoning map (Special)
1209	Amends § 8.08.210, garbage collection (8.08)	1234	Amends 2005 budget (Special)
1210	Grants franchise to Puget Sound Energy, Inc. (Special)	1235	Repeals and replaces T. 16, subdivisions (16.04, 16.08, 16.12A, 16.14, 16.30, 16.40, 16.46)
1211	Amends § 15.20.035, sign code (15.20)	1236	Amends § 13.08.370, sewer regulations (13.08)
1212	Amends 2004 budget (Special)	1237	Amends 2005 budget (Special)
1213	Granting of easement (Special)	1238	Creates sewer treatment shortfall accounting and MVOLLC consultants fund (Not codified)
1214	Amends § 16.48.010, community development rates, fees and charges (Repealed by 1235)	1239	2006 tax levy (Special)
1215	Amends 2004 budget (Special)	1240	Vacation of right-of-way (Special)
1216	Amends 2004 budget (Special)	1241	Annexation (Special)
1217	Amends § 1.16.010, general penalty (1.16)	1242	Adopts 2006 budget (Special)
1218	Amends §§ 8.60.020 and 8.60.040, enforcement (Repealed by 1255)	1243	Vacation of right-of-way (Special)
1219	Purchase of property (Special)	1244	Transfer of funds (Special)
1220	Purchase of property (Special)	1245	Amends 2005 budget (Special)
1221	Increases property tax levy (Special)	1246	Adopts 2006 salary schedule for city employees (Special)
1222	Adds §§ 17.08.298, 17.08.315 and Ch. 15.30; amends §§ 17.04.050, 17.24.020, 17.28.020, 17.32.020 and 17.32.090, zoning (15.30, 17.04, 17.08, 17.24, 17.28, 17.32)	1247	Amends 2006 budget (Special)
1223	Amends 2004 budget (Special)	1248	Adds Ch. 5.24, adult entertainment (5.24)
1224	Amends § 13.12.100, water regulations (Repealed by 1260)	1249	Amends Chs. 5.02 and 5.12, business licenses, taxes and regulations (5.02, 5.12)
1225	Adopts 2005 budget (Special)	1250	Amends 2006 budget (Special)
		1251	Amends Ord. 1246, 2006 salary schedule for city employees (Special)

**Ordinance  
Number**

1252	Adds Ch. 10.32, bicycles and other recreational wheels (10.32)
1253	Amends 2006 budget (Special)
1254	Amends 2006 budget (Special)
1255	Adds Ch. 2.13; repeals and replaces Ch. 8.60, code enforcement, hearing examiner (2.13, 8.60)
1256	Amends 2006 budget (Special)
1257	Amends Ch. 15.04 and § 17.16.060, building code, zoning (15.04, 17.16)
1258	(Not adopted)
1259	Vacation of right-of-way (Special)
1260	Amends § 13.12.100; repeals Ord. 1224, water regulations (13.12)
1261	Amends § 13.08.370, sewer regulations (13.08)
1262	Adopts 2007 salary schedule for city employees (Special)
1263	Tax levy (Special)
1264	Amends 2006 budget (Special)
1265	Adopts 2007 budget (Special)
1266	Amends 2007 budget (Special)
1267	Annexation (Special)
1268	(Number not used)
1269	Fixes salary of elected officials (Special)
1270	Authorizes issuance and sale of limited tax general obligation bonds (Special)
1271	Amends zoning map (Special)
1272	Amends comprehensive land use plan and comprehensive land use designation map (Special)
1273	Amends 2007 budget (Special)

**Ordinance  
Number**

1274	Establishes policy concerning eligibility by regularly employed police officers for salary step increases (2.24)
1275	Amends 2007 budget (Special)
1276	Annexation (Special)
1277	Amends 2007 salary schedule for city employees (Special)
1278	Amends 2007 budget (Special)
1279	Amends Ch. 15.20 and § 17.04.040, sign code, zoning (15.20, 17.04)
1280	2008 tax levy (Special)
1281	Amends 2007 budget (Special)
1282	Adopts 2008 budget (Special)
1283	Adopts 2008 salary schedule for city employees (Special)
1284	Establishes technology reserve fund (3.112)

Beginning with Supplement No. 10, this table will be replaced with the "Code Comparative Table and Disposition List."



## CODE COMPARATIVE TABLE AND DISPOSITION LIST

This is a chronological listing of the ordinances of Cle Elum, Washington, beginning with Supplement No. 10, included in this Code.

Ordinance Number	Date	Description	Section	Section this Code
1285	2-12-2008	Amends § 3.12.010, payroll period		3.12.010
1286	2-26-2008	Amends 2008 budget		Omitted
1287	2-26-2008	Amends 2008 salary schedule		Omitted
1288	2-26-2008	Amends comprehensive land use plan housing element and parks element		Omitted
1289	4- 8-2008	Amends Ch. 15.04, building code	1(Exh. A)	15.04.010— 15.04.100
1290	4-22-2008	Annexation	1	Omitted
1291	4-22-2008	Amends § 3.94.010A, sources	1	3.94.010A
		Amends § 13.08.370, rates and charges	2	13.08.370
1292	6-10-2008	Amends 2008 budget		Omitted
1293	9- 9-2008	Amends 2008 budget		Omitted
1294	10-14-2008	Amends Ch. 13.20, water connection and water transfer requirements	1	13.20.010— 13.20.100
1295	10-14-2008	Amends comprehensive plan and zoning map		Omitted
1296	11-10-2008	Amends comprehensive plan and zoning map		Omitted
1297	11-25-2008	Increases property tax levy		Omitted
1298	11-25-2008	Adopts 2009 salary schedule		Omitted
1299	11-25-2008	Adopts 2009 budget		Omitted
1300	12- 9-2008	Amends § 13.12.100, rates and charges	1	13.12.100
1301	12- 9-2008	Amends § 13.08.370, rates and charges	1	13.08.370
1302	12- 9-2008	Amends § 8.08.210, schedule of charges	1	8.08.210
1303	12- 9-2008	Amends 2008 budget		Omitted
1304				Not used
1305	1-13-2009	Denies comprehensive plan amendment and rezoning request		Omitted
1306	1-13-2009	Annexation		Omitted
1307	2-24-2009	Amends §§ 8.08.010—8.08.260, garbage collection		8.08.010— 8.08.260
1308	3-10-2009	Amends § 13.08.370, rates and charges	1	13.08.370A
1309	2-24-2009	Amends 2009 budget		Omitted

Ordinance Number	Date	Description	Section	Section this Code
1310	3-10-2009	Temporarily repeals and re-adopts gambling tax levy		Omitted
1311	3-10-2009	Annexation		Omitted
1312	3-10-2009	Amends provisions pertaining to water rates	1	13.12.080
			2	13.12.00
			3 Added	13.12.100H
			4	13.12.115
1313	3-24-2009	Adopts identity theft prevention program	1(Exh. A)Added	13.40.010— 13.40.070
1314	4-14-2009	Annexation		Omitted
1315	4-28-2009	Amends 2009 budget		Omitted
1316	8-11-2009	Creates new funds		Omitted
1317	8-11-2009	Amends 2009 budget		Omitted
1318	9-22-2009	Creates new funds		Omitted
1319	9-22-2009	Amends 2009 budget		Omitted
1320				Pending
1321	11-24-2009	Increases property tax levy		Omitted
1322	12- 8-2009	Adopts 2010 salary schedule		Omitted
1323	12- 8-2009	Adopts 2010 budget		Omitted
1324	12- 8-2009	Creates new funds		Omitted
1325	12- 8-2009	Amends 2009 budget		Omitted
1326	2- 9-2010	Amends 2010 budget		Omitted
1327	5-25-2010	Amends 2010 budget		Omitted
1328	6-22-2010	Amends Ch. 17.140, development agreements	1	17.140.010— 17.140.050
1329	7-13-2010	Requires payment for permits		Omitted
1330	7-13-2010	Adopts classification of noncharter code city		Omitted
1331	7-27-2010	Amends schedule of charges	1	8.08.200
1332	7-27-2010	Amends building codes	1	15.04.030
1333	7-27-2010	Amends sign code	1	15.20.035
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			3	15.20.150
1334	9-14-2010	Adopts collection actions—Costs and legal fees	1 Added	8.08.270
1335	11- 9-2010	Amends Ch. 18.01, critical areas protection	1	18.01.010— 18.01.130
1336	11- 9-2010	Amends 2010 budget		Omitted
1337	12-14-2010	Amends garbage collection	1, 3, 4	8.08.010
			2	8.08.130
1338	11-23-2010	Increases property tax levy		Omitted
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