

## **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:

**1.04.010 Definitions.**

**1.04.020 Title of office.**

**1.04.030 Interpretation of language.**

**1.04.040 Grammatical interpretation.**

**1.04.050 Acts by agents.**

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

**1.04.070 Computation of time.**

**1.04.080 Construction.**

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

#### **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 curblines 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:

**1.08.010 Location.**

**1.08.020 Elevation--Established.**

**1.08.030 Streets--Established.**

**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)