

## **Title 8**

### **HEALTH AND SAFETY**

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### **Chapter 8.04**

### **MANUFACTURE, STORAGE, PREPARATION AND SALE OF FOOD**

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#### **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 manager shall at once remove the foodstuffs to the place designated and destroy them, or the food inspector or his deputies may seize the foodstuffs and destroy them.

(Ord. 206 § 10, 1921)

**8.04.120 Manufacture of food.**

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

(Ord. 206 § 11, 1921)

#### **8.04.130 Penalty for violation.**

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

(Ord. 206 § 13, 1921)

#### **8.04.140 Slaughtering prohibited.**

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

(Ord. 169 § 1, 1917)

#### **8.04.150 Fat rendering prohibited.**

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

(Ord. 169 § 2, 1917)

#### **8.04.160 Food sanitation.**

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

(Ord. 169 § 3, 1917)

#### **8.04.170 Condemnation of unwholesome food.**

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

(Ord. 169 § 4, 1917)

#### **8.04.180 Protection of food from contamination.**

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

(Ord. 169 § 5, 1917)

#### **8.04.190 Food preparation employee--Communicable disease prohibited.**

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

(Ord. 169 § 7, 1917)

#### **8.04.200 Transportation of fresh meat.**

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

(Ord. 169 § 6, 1917)

### **Chapter 8.08**

#### **GARBAGE COLLECTION\***

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\* **Editors 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.

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#### 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.
- 8.08.140 Garbage cans--Accessible to collectors.
- 8.08.150 Garbage cans--Noncompliance tags.
- 8.08.160 Separation may be required.
- 8.08.170 Methods of disposal.
- 8.08.180 Animal carcasses.
- 8.08.190 Scattering or accumulating garbage or refuse prohibited.
- 8.08.200 Schedule of charges.
- 8.08.210 Payment of charges.
- 8.08.220 Collector of garbage charges.
- 8.08.230 Low Income senior citizens--Reduced rates.
- 8.08.240 Liens for delinquent charges.
- 8.08.250 Inspection.
- 8.08.260 Penalty for violation.

#### **8.08.010 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.

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

B. "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.

C. "Garbage can" means any can or receptacle in which there may be deposited garbage as provided in this chapter.

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

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

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

G. "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.

H. "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)

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

Garbage cans shall be of the standard type, made of metal or other material approved by the city council. Cans shall be strong, watertight, corrosion-resistant, rodent-proof and insect-proof. Cans shall not be less than twenty nor more than thirty-two gallons in capacity, shall have two strong handles at the sides, and shall have tight-fitting lids. Lids shall be kept tightly in place on the cans except when necessarily removed to place garbage into or remove garbage from the cans. Cans shall be kept in a sanitary condition with the outside clean and free from accumulated grease, dirt and garbage material. The maximum weight of each garbage can and contents shall not exceed sixty-five pounds.  
(Ord. No. 1307, § 1, 2-24-2009)

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

Garbage cans shall be kept in a place accessible to the garbage collector. Should winter conditions or other conditions make it impracticable for the garbage collector to drive his garbage truck through the alley or street to the rear of the premises, the garbage cans shall be kept at the front of the premises or at such other location indicated by the garbage supervisor or garbage collector during the period such adverse conditions persist.  
(Ord. 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 January 1, 2009, 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 seventeen cents per can.

- 1. Residential single-family:

One can pick-up per week mandatory service.

1 can, curbside--25 feet	\$13.41 per month
2 cans, curbside--25 feet	17.93 per month
3 cans, curbside--25 feet	20.14 per month
4 cans, curbside--25 feet	22.67 per month
20 gallon mini can--25 feet	10.73 per month
Additional 25-foot increments	1.05 per 25 feet
Occasional extra can (or equivalent)	3.17 per can

- 2. Low income senior residential single-family:

One can pick-up per week mandatory service.

1 can, curbside--25 feet	\$ 7.38 per month
2 cans, curbside--25 feet	9.86 per month
3 cans, curbside--25 feet	11.08 per month
Additional 25-foot increments	1.05 per 25 feet
Occasional extra can (or equivalent)	3.17 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 Pickup	Monthly Minimum
Each can	\$ 3.17	\$18.89
Each loose or noncontained yard	22.60	

2. Container Service--Loose.

Size (Yards)	Per Pickup	Monthly Rent	Monthly Premium
1- 1/3	\$24.37	\$11.87	\$109.35
2	33.16	14.41	147.05
3	48.12	22.37	214.85
4	61.38	23.07	268.60
6	85.20	28.33	369.13
8	108.72	31.34	466.22
12	110.26	64.64	505.68
20	135.02	81.43	621.48
30	144.77	121.27	700.35
30-yard compactor	144.77	121.27	700.35

C. Loose or Noncontained Refuse. Each loose or noncontained yard: \$22.60

D. Late Charges. In addition to the charges set forth, if any bill for garbage service is not paid within thirty days of billing date, there shall be assessed and collected by the city clerk a late charge in the amount of two dollars per month.

E. Contracted-for Rate Increases. In addition to the charges set forth, the city shall increase the charges for collection, removal and disposal of garbage for the following three years commencing December 31, 2009, and continuing through December 31, 2011, at the rate of two and one-half percent per year.

(Ord. No. 1307, § 1, 2-24-2009)

### **8.08.210 Payment of charges.**

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

(Ord. 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)

## Chapter 8.12

### NUISANCES

#### Sections:

**8.12.010 Designated.**

**8.12.020 Loud noises prohibited.**

**8.12.030 Violation--Unlawful.**

**8.12.040 Responsibility for premises.**

**8.12.050 Responsibility of successive owner.**

**8.12.060 Chapter not exclusive.**

**8.12.070 Violation--Penalty.**

**8.12.080 Violation--Abatement.**

**8.12.090 Violation--Bond.**

#### **8.12.010 Designated.**

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

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

obstructs or impedes such places;

- G. Any business for which a city license is required or city tax is to be paid, which is operated without obtaining such license or paying such tax;
- H. Any act or the failure to perform any duty, which act or omission (1) annoys, injures, or endangers the safety, health, comfort or repose of any considerable number of persons; or (2) offends public decency; or (3) unlawfully interferes with, befouls, obstructs, or tends to obstruct, or renders dangerous for passage any public park, square, street, alley, highway or public place; or (4) in any way renders a considerable number of persons insecure in life or the use of property;
- I. Any place wherein and any act whereby any gambling, swindling game or device, bookmaking, pool selling, or bucket shop, or any agency therefor, is conducted, or any article, apparatus, or device useful therefor is kept;
- J. A house of prostitution or any act of prostitution;
- K. Illegal sale or possession of liquors or narcotics;
- L. Any engine, motor or other machine or device which unduly interferes with radio, telephone or television reception to the annoyance or injury of the public;
- M. Slums, blighted areas, and dilapidated or unsafe buildings;
- N. Filthy and unsanitary buildings, structures or places;
- O. Stagnant water, sewage, or other stagnant liquids which are allowed to stand or accumulate and are filthy or unsanitary or provide breeding places for mosquitoes and other insects;
- P. Things offensive to public morals, decency, peace and order;
- Q. Any liquid, solid or snow unlawfully allowed or caused to overflow or be deposited on lands or properties of the city or of the public;
- R. Unsafe or insecure awnings, signs or other structures or trees and plants which overhang a street, sidewalk or other public place and which present a hazard to the public;
- S. Storage of, or carrying on the business of manufacturing, gunpowder, nitroglycerin, or other highly explosive substance, or mixing or grinding the materials therefor, in any building within fifty rods of any valuable building erected at the time such business or storage may be commenced;
- T. Slaughterhouses and stockyards;
- U. Unmuzzled dogs or dogs without a city license running at large, or any bitch in heat running at

large. If any dog or other animal attacks viciously, bites or viciously injures or attempts to injure any person without provocation, such animal may be summarily shot by any police officer witnessing such incident;

- V. Snow, ice or water dripping or sliding or shoveled or moved from any roof or elevated place onto a street, alley, sidewalk or any other public place or city property. Such conditions shall be summarily abated at the wrongdoer's expense by any city officer or employee upon failure of the wrongdoer to abate it immediately;
- X. Knowingly doing any act which interferes with or impedes the carrying out and performance of city functions and business or the performance of the lawful duties of city policemen, firemen, employees and officials; or damaging or destroying city property;
- Y. The practice of going in and upon private residences in the city, by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise not having been requested or invited so to do by the owner or owners, occupants or occupants of the private residences for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or disposing of and/or peddling or hawking the same; provided, it is lawful for any farmer, gardener, or other person, without license, to sell, deliver, or peddle, any fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats, or any farm produce or edibles raised, caught, produced, or manufactured by such person, as provided by the Revised Code of Washington, Section 36.71.090;
- Z. For an owner or occupier or person in charge of land, knowing of the existence of a wall, septic tank, cesspool, or other hole or excavation ten inches or more in width at the top and four feet or more in depth, to fail to cover, fence or fill the same, or provide other proper and adequate safeguards; provided, that this subsection shall not apply to a hole one hundred square feet or more in area or one that is open, apparent, and obvious.

(Ord. 517 § 1, 1956)

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

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

(Ord. 517 § 2, 1956)

#### **8.12.030 Violation--Unlawful.**

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

(Ord. 517 § 3, 1956)

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

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

(Ord. 517 § 4, 1956)

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

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

(Ord. 517 § 5, 1956)

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

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

(Ord. 517 § 6, 1956)

#### **8.12.070 Violation--Penalty.**

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

(Ord. 517 § 7, 1956)

#### **8.12.080 Violation--Abatement.**

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

(Ord. 517 § 8, 1956)

#### **8.12.090 Violation--Bond.**

Instead of issuing such warrant, the city police judge may order the issuance thereof stayed upon motion of the defendant, and upon the defendant's entering into a bond to the city in such sum and with such surety as

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

## **Chapter 8.13**

### **FALSE ALARMS**

Sections:

**8.13.010 Purpose.**

**8.13.020 False alarms.**

**8.13.030 Recovery of costs.**

#### **8.13.010 Purpose.**

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

## **Chapter 8.16**

## **JUNK VEHICLES AND HULKS**

### **Sections:**

**8.16.010 Purpose.**

**8.16.020 Definitions.**

**8.16.030 Public nuisance declared.**

**8.16.035 Inoperable vehicles as a nuisance.**

**8.16.040 Exemptions.**

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

**8.16.060 Disposal by city.**

**8.16.070 Warrants for entry.**

**8.16.080 Lien.**

**8.16.090 Additional enforcement procedure.**

**8.16.100 Constitutionality or invalidity.**

**8.16.110 Severability.**

### **8.16.010 Purpose.**

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

(Ord. 1199, 2003)

### **8.16.020 Definitions.**

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

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

statutes adopted by reference therein as if fully set forth herein. The definitions contained in RCW 46.55.010 shall apply to the interpretation and enforcement of this chapter.

(Ord. 1199, 2003)

#### **8.16.030 Public nuisance declared.**

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

(Ord. 1199, 2003)

#### **8.16.035 Inoperable vehicles as a nuisance.**

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

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

(Ord. 1199, 2003)

#### **8.16.040 Exemptions.**

The provisions of this chapter shall not apply to:

- A. Any vehicles or parts thereof which are completely enclosed within a building in a lawful manner where they are not visible from the street or other public or private property; or
- B. Any vehicles or parts thereof which are stored or parked in a lawful manner on private property in connection with the business of a licensed commercial towing yard, automobile repair facilities, outdoor storage or wrecking yards, licensed dismantler or licensed vehicle dealer and which are fenced according to the provisions of RCW 46.80.130.

(Ord. 1199, 2003)

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

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

B. Enforcement of Civil Violations. If the code enforcement official or city of Cle Elum law enforcement officer does not obtain voluntary correction of the public nuisance within thirty days, the officer may issue a notice of infraction to the landowner of record and/or the 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)

### **8.20.030 Screening--Building permit required.**

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

(Ord. 694 § 5, 1975)

### **8.20.040 Screening--Required when.**

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

(Ord. 694 § 3, 1975)

### **8.20.050 Other laws not affected.**

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

(Ord. 694 § 4, 1975)

### **8.20.060 Violations--Penalty--Abatement as public nuisance.**

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

(Ord. 694 § 6, 1975)

## **Chapter 8.24**

### **FIRE PREVENTION**

Sections:

#### **Article I. Regulations**

**8.24.010 Definitions.**

**8.24.020 Fire season.**

**8.24.030 Uncontained open fire permit--Required.**

**8.24.040 Uncontained open fire permit--Conditions.**

**8.24.050 Permit revocation authorized.**

**8.24.060 Fire chief duties.**

**8.24.070 Stove or furnace approval.**

**8.24.080 Contained open fires--Inspection.**

**8.24.090 Open fires--Permit required.**

**8.24.100 Open fires--Supervision.**

**8.24.110 Appeal.**

**8.24.120 Violation--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 Purpose.**

**8.28.010 Definitions.**

**8.28.020 Permit--Application--Issuance.**

**8.28.030 Permit--Conditions for issuance.**

**8.28.040 Permit--Nontransferable.**

**8.28.060 Permit--Revocation.**

**8.28.070 Stands--Conformance to minimum standards.**

**8.28.090 Dangerous use prohibited.**

**8.28.100 Dangerous fireworks prohibited.**

**8.28.110 Sale of safe and sane fireworks.**

**8.28.120 Prohibition against discharge.**

**8.28.130 Sale--Limits.**

**8.28.140 Violation--Penalty.**

#### **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:

**8.32.010 Construction.**

**8.32.020 Storage of gasoline.**

**8.32.030 Violation--Penalty.**

#### **8.32.010 Construction.**

It is unlawful for any person, firm, company or corporation to conduct or maintain in the city, a public or private garage in which more than one automobile or machine using gasoline, alcohol, or other explosive for fuel or power, are housed for the purpose of storing or repairing, unless the floor of the building on which the automobiles are housed, stored, or repaired is of concrete and the main division walls separating such room or rooms from adjoining room or stores, are for a distance of six feet up from the floor or floors made of brick and mortar or stone and mortar or concrete or lined or coated with concrete.  
(Ord. 138 § 1 (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 workmanlike manner.

B. The inspector and his assistants are empowered to inspect or reinspect any wiring, equipment or apparatus within the provisions of this chapter, and if conductors, equipment or apparatus are found to be unsafe to life or property, or are not in conformity with the provisions of this chapter, the inspector shall notify the person owning or operating the hazardous wiring or equipment to correct the condition within a forty-eight-hour period or within the time the inspector specifies. Failure to correct violations within the specified time shall

constitute a violation of this chapter.  
(Ord. 497 § 6, 1954)

#### **8.48.070 Interference with and notices to inspector.**

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

(Ord. 497 § 7, 1954)

#### **8.48.080 Bond required.**

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

(Ord. 497 § 8, 1954)

#### **8.48.090 Technical requirements.**

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

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

Guy wires shall be not less than three thirty-secondths of an inch, five-strand cable or equivalent, galvanized; shall be securely anchored, and the top set of guy wires shall be anchored separately.

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

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

(Ord. 497 § 9, 1954)

#### **8.48.100 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:

**8.60.010 Purpose.**

**8.60.015 Applicability.**

**8.60.020 Definitions.**

**8.60.030 Voluntary correction.**

**8.60.040 Notice of civil violation.**

**8.60.050 Stop work order.**

**8.60.060 Cease and desist order.**

**8.60.065 Notice to vacate.**

**8.60.070 Removal of stop work, cease and desist order, or notice to vacate--Misdemeanor.**

**8.60.080 Hearing before the administrative hearing examiner.**

**8.60.090 Violations--Monetary penalty and costs.**

**8.60.100 Subsequent repeat violation--Failure to abate--Misdemeanor.**

**8.60.110 Abatement.**

**8.60.120 Costs of abatement--Lien.**

**8.60.130 Collection of penalties and costs.**

**8.60.140 Additional enforcement procedures.**

**8.60.150 Conflicting code provisions.**

**8.60.160 Duty not creating liability.**

**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 responsible 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 abatement 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 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 hearing 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)